

1322

ADRIAN WRIGHT, a minor, suing
by her Father and next friend,
G. C. Wright,

Plaintiff

Vs

ROBERT MASON,

Defendant

IN THE CIRCUIT COURT
OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT ONE: The Plaintiff a minor suing by her Father and next friend, G. C. Wright, claims of the Defendant the sum of Ten Thousand (\$10,000) Dollars as damages for that on or about the 27th day of June, 1948, the Defendant was operating a filling station at or near the intersection of Fairhope Avenue and Church Street in Fairhope, Baldwin County, Alabama, for the purpose of selling and supplying the public with gasoline and other articles of merchandise, said gasoline being a very combustible and inflammable liquid; and Plaintiff, who is a girl and minor, further avers that on or about the above said date, and while she was waiting at Defendant's said station for the motorcycle, which was to take her home, to be supplied with gasoline at Defendant's station, that the Defendant's servant, agent or employee, who was then and there acting within the line or scope of his employment, negligently attempted to put the gasoline in said motorcycle while the motor was running, and that as a proximate result thereof the motorcycle caught on fire, and the agent, servant, or employee of said Defendant then negligently swung the hose, which was shooting out burning gasoline, in the direction of the Plaintiff, and as a proximate result of said above stated negligence, the Plaintiff's limbs and body were covered with burning gasoline causing her limbs and body to be badly burned causing her to suffer much severe pain both in body and mind for a long time, to

be kept in a hospital for a long time in order to be cured and for skin to be grafted on said burned places, to be scarred for life, also causing her to be humiliated, embarrassed, and scarred for life, all to her damage in the above amount, hence this suit.

COUNT TWO: That Plaintiff suing by her Father and next friend, G. C. Wright, claims of the Defendant the sum of Ten Thousand (\$10,000.00) Dollars as damages, for that on or about the 27th day of June, 1948, the Defendant was operating a filling station at or near the intersection of Fairhope Avenue and Church Street, in Fairhope, Baldwin County, Alabama, for selling and supplying the public with gasoline and other articles of merchandise, said gasoline being a very combustible and inflammable liquid; and Plaintiff who is a girl and minor, further avers that on or about the above said date, and while she was waiting at Defendant's said station for the motorcycle, which was to take her home, to be supplied with gasoline at Defendant's station that the Defendant's servant, agent or employee, who was then and there acting within the line and scope of his employment, negligently put gasoline in said motorcycle while the motor was running, and that as a proximate result thereof, the motorcycle caught on fire, and was shooting out burning gasoline, and the said servant, agent or employee of Defendant then and there negligently turned the hose on the Plaintiff throwing out burning gasoline on her person, and as a proximate result of said negligence, the Plaintiff's legs were badly burned by the said burning gasoline, causing her to suffer much severe pain both in body and mind, to be scarred for life, to be confined to hospital for a long time, to have skin grafted on her legs, also causing her to be humiliated

and embarrassed, all to her damage in the above amount, hence
this suit.

Gordon & Gordon
Attorneys for Plaintiff

J. B. Blachman
Attorney for Plaintiff

The Plaintiff demands a trial by Jury of the
above said cause.

Gordon & Gordon
Attorneys for Plaintiff

J. B. Blachman
Attorney for Plaintiff

Received in Sheriff's Office
this 26 day of March 1949
TAYLOR WILKINS, Sheriff

Executed 4-1-1949
Serving copy of within Summons and
complaint on

Robert Mason

Taylor Wilkins Sheriff
By W F Hall Deputy Sheriff

Original
m 1322

RECORDED

Adrian Wright a minor
suing by her father and
next friend
R.E. Wright

vs.

Robert Mason

In hope

FILED

MAR 25 1949

ALICE J. DUCK, CLERK

ADRIAN WRIGHT, etc.

PLAINTIFF

VS.

ROBERT MASON

DEFENDANT

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Now comes the Defendant and demurs to the Plaintiff's complaint, and to each count thereof, separately and severally, and for grounds says:

1.

That said count does not state a cause of action.

2.

That said count sets out no facts showing any duty owing by the Defendant to the Plaintiff.

3.

That for ought appearing the Plaintiff was a trespasser upon the property of the Defendant.

4.

That the said count affirmatively shows that the injuries and damages suffered by the Plaintiff were the proximate result of the negligence of another than the Defendant or his agent, servant or employee.

5.

That the said count alleges no negligence on the part of the Defendant, his servant, agent or employee.

6.

That said count does not allege that the injuries suffered by the Plaintiff were the proximate result of the negligence of the Defendant, his servants, agents or employees.


Attorney for Defendant

1322

RECORDED

ADRIAN WRIGHT ETC.

PLAINTIFF

VS.

ROBERT MASON

DEFENDANT

FILED

APR 26 1949

ALICE J. DUCK, Clerk

ADRIAN WRIGHT, a minor, suing
by her Father and next friend,
G.C. Wright.

PLAINTIFF

VS.

ROBERT MASON

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

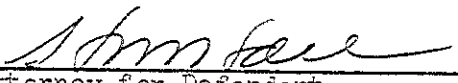
Now comes the Defendant and for answer to the Plaintiff's
complaint and to each count thereof, separately and severally, says:

1.

That he is not guilty.

2.

That the Plaintiff was guilty of negligence, which
proximately contributed to the injuries complained of.


Attorney for Defendant

1322

RECORDED

ADRIAN WRIGHT, a minor, suing
by her father and next friend,
G. C. Wright.

PLAINTIFF

VS:

ROBERT MASON

DEFENDANT

FILED

SEP 12 1949

ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Robert Mason 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 same, then and there to answer the complaint of Adrian Wright, a minor, suing by her Father and next friend, G. C. Wright.

Witness my hand this 25th day of March, 1949.

Alice L. Luck
Clerk of Circuit Court.