

JOHN D. HURLEY,
Plaintiff,

vs.

JACK GRIFFITH,
Defendant.

I IN THE CIRCUIT COURT OF
I BALDWIN COUNTY, ALABAMA
I
I LAW SIDE.

Comes the Defendant in the above styled cause and moves the Court to strike Counts 3 and 4 of the Complaint filed by the Plaintiff in the above styled cause and as grounds for said motion says:

1. That Count 3 is an unnecessary repetition of Count 1.
2. That Count 4 is an unnecessary repetition of Count 2.
3. That Counts 3 and 4 are unnecessary repetitions of Counts 1 and 2 respectively.
4. That Count 3 only restates the facts alleged in Count 1 in different words without changing any of its allegations which are material.
5. That Count 4 only restates the allegations of Count 2 without changing any of its material allegations.


Attorneys for Defendant.

1362

RECORDED

MOTION TO STRIKE

JOHN D. HURLEY,

Plaintiff,

vs.

JACK GRIFFITH,

Defendant.

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

Filed July 2nd, 1949.

Annie J. Hurck
Clerk.

*copy
mailed
JP. plus return*

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Jack Griffith 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 John D. Hurley.

Witness my hand this 6th day of June, 1949.

Americ J. Hurley
Clerk of the Circuit Court.

: : : : : : : : : :

JOHN D. HURLEY,
Plaintiff,
VS.
JACK GRIFFITH,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

COMPLAINT

1. Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) as damages, for that, heretofore, on, to-wit, the first day of August, 1948, the Plaintiff was driving a motorcycle on a public highway in the State of Alabama, to-wit, in the City of Fairhope, Alabama, at or near the intersection of the highway from Fairhope to Daphne and the highway from Fairhope to Robertsdale, and that then and there the Defendant so negligently drove an automobile that the said automobile and the motorcycle which Plaintiff was driving collided at a point, to-wit, on a public highway in the City of Fairhope, Alabama, at or near the intersection of the highway from Fairhope to Daphne and the highway from Fairhope to Robertsdale, and that as the proximate result and consequence thereof the Plaintiff received severe personal injuries in that he was bruised, cut, lacerated and scarred; he was made sick, sore, and lame; he lost the use of his leg permanently; he was injured internally; his body, head and limbs were injured; he was

injured permanently; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; he lost much time from his work and his capacity for work has been greatly reduced permanently; he suffered and continues to suffer great mental and physical pain and anguish; all to his great damage in the aforesaid sum, hence this suit.

2. Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that, heretofore, on, to-wit, the first day of August, 1948, the Plaintiff was driving a motorcycle on a public highway in the State of Alabama, to-wit, in the City of Fairhope, Alabama, at or near the intersection of the highway from Fairhope to Daphne and the highway from Fairhope to Robertsdale, and that then and there the Defendant wantonly injured the Plaintiff by wantonly driving an automobile into the motorcycle which the Plaintiff was driving, and that as a proximate result and consequence thereof the Plaintiff received severe personal injuries in that he was bruised, cut, lacerated and scarred; he was made sick, sore, and lame; he lost the use of his leg permanently; he was injured internally; his body, head and limbs were injured; he was injured permanently; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; he lost much time from his work and his capacity for work has been greatly reduced permanently; he suffered and continues to suffer great mental and physical pain and anguish; all to his great damage in the aforesaid sum, hence this suit.

3. Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that, heretofore, on, to-wit, the first day of August, 1948, the Plaintiff was driving a motorcycle on a public highway in the State of Alabama, to-wit, in the City of Fairhope, Alabama, at or near the intersection of the highway from Fairhope to Daphne and the highway from Fairhope to Robertsdale, and that then and there said motorcycle collided with the automobile which Defendant was driving, and that as a proximate result

and consequence thereof the Plaintiff suffered severe personal injuries in that he was bruised, cut, lacerated and scarred; he was made sick, sore, and lame; he lost the use of his leg permanently; he was injured internally; his body, head and limbs were injured; he was injured permanently; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; he lost much time from his work and his capacity for work has been greatly reduced permanently; he suffered and continues to suffer great mental and physical pain and anguish; all to his great damage in the aforesaid sum.

Plaintiff further avers that said collision was caused by and was the proximate result and consequence of the negligence of the Defendant in that he negligently caused or allowed said automobile to run into the said motorcycle.

4. Plaintiff claims of the Defendant the sum of Twenty-five Thousand Dollars (\$25,000.00) for that, heretofore, on, to-wit, the first day of August, 1948, the Plaintiff was driving a motorcycle on a public highway in the State of Alabama, to-wit, in the City of Fairhope, Alabama, at or near the intersection of the highway from Fairhope to Daphne and the highway from Fairhope to Robertsdale, and that then and there the Defendant caused or allowed an automobile he was driving to run into said motorcycle, and that as a proximate result and consequence thereof the Plaintiff received severe personal injuries in that he was bruised, cut, lacerated and scarred; he was made sick, sore, and lame; he lost the use of his leg permanently; he was injured internally; his body, head and limbs were injured; he was injured permanently; he was caused to expend considerable sums for medical treatment, hospital care, nursing and medicines in and about the treatment of his injuries; he lost much time from his work and his capacity for work has been greatly reduced permanently; he suffered and continues to suffer great mental and physical pain and anguish; all to his great damage in the aforesaid sum.

Plaintiff further avers that Defendant wantonly injured the Plaintiff by wantonly causing or allowing said automobile to run into the said motorcycle.

J. B. Blackburn
Attorney for Plaintiff.

Plaintiff demands a trial by jury.

J. B. Blackburn
Attorney for Plaintiff.

Received in Sheriff's Office
this 6 day of June, 1949
TAYLOR WILKINS, Sheriff

Executed 6-11 1949
by serving copy of within Summons and
Complaint on

Jack Griffith

Taylor Wilkins Sheriff
By W. F. Hall Deputy Sheriff

701362
RECORDED ORIGINAL

SUMMONS AND COMPLAINT

JOHN D. HURLEY,
Plaintiff,

VS.

JACK GRIFFITH,
I hope Defendant.

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

FILED
JUN 6 1949
ALICE J. DUCK, Clerk

J. B. BLACKBURN
ATTORNEY AT LAW
BAY MINETTE, ALABAMA