

GUSSIE DIXON,

Plaintiff,

VS.

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 1401

ORDER SETTING DATE FOR HEARING CAUSE

The parties to this cause having agreed that this cause be set for hearing at 9:30 A. M. on Tuesday, May 23, 1950, it is hereby Ordered that the said cause be and it is hereby set for hearing at 9:30 A. M. on Tuesday, May 23, 1950.

It is further Ordered that the Clerk of this Court shall furnish the attorneys for the respective parties to this suit a copy of this order.

DONE on this the 27<sup>th</sup> day of April, 1950.

Julian H. Madbury, Jr.  
Judge.

ORDER SETTING DATE FOR HEARING  
CAUSE.

GUSSIE DIXON,

VS.

Plaintiff,

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA.  
AT LAW. NO. 1401.

FILED  
APR 27 1950  
ALICE J. DUCK, Clerk

ALEXANDER FOREMAN, JR.  
ATTORNEY AT LAW  
207 FIRST NATIONAL BANK BUILDING  
MOBILE 13, ALABAMA

September 2, 1949

Hon. Alice J. Duck, Clerk  
Circuit Court of Baldwin County  
Bay Minette, Alabama

Re: Gussie Dixon vs. B.F. Kucera

Dear Madam:

Enclosed herewith you will please find, in duplicate, complaints in each of the following:

Gussie Dixon vs. B.F. Kucera;  
Clina Dixon vs. B.F. Kucera;  
J.O. Dixon vs. B.F. Kucera;  
Ronnie Dixon vs. B.F. Kucera.

I shall appreciate your causing the said complaints to be filed. Please let me know when service has been had and the date of the settings.

Yours very truly,

  
ALEXANDER FOREMAN, JR.

AF/am  
Encl.

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

6 October 1949

Mr. Alexander Foreman, Jr.,  
Attorney at Law,  
207 First National Bank Bldg.,  
Mobile, Alabama.

Dear Mr. Foreman:-

Enclosed herewith are copies of demurrers in the cases filed by you resulting from the collision of the Dixon car with the Kucera car in Robertsdale, Alabama. Our Circuit Court will be held in the first week in November and the third week in November and, as the docket is now being prepared, I thought it unlikely that these cases could be tried in this term of court.

Yours very truly,

C. G. Chason

CGC:lu

Encls:

cc: Mrs. Alice J. Duck  
Clerk of Court  
Bay Minette, Ala.

GUSSIE DIXON,

Plaintiff,

VS.

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

DEMURRER TO PLEAS.

Now comes the Plaintiff and demurs to the Defendant's Pleas Two and Three each separately and severally, and as grounds therefor assigns, separately and severally, as follows:

1. The matters and things alleged in the said pleas do not constitute a defense to the Plaintiff's complaint.

2. No facts are alleged to show that the Plaintiff negligently operated his automobile.

3. No facts are alleged to show that the accident was caused by the Plaintiff's negligence.

4. The allegations of the said pleas are conclusions of the Pleader.

5. The facts alleged affirmatively show that the Plaintiff was not negligent.

6. The Defendant's injuries are not sufficiently described.

7. The damage to the Defendant's automobile is not sufficiently described.

8. The alleged injuries and damage to the Defendant's automobile are vague, indefinite and uncertain.

9. A plea of contributory negligence <sup>does</sup> not constitute a defense to a wilful and wanton count.

*Alexander L. Loomis*

*J. B. Blackburn*

Attorneys for Plaintiff.

RECORDED.

Gussie Dixon  
vs.  
B. F. Kucera

Demurrer To Defendants  
Pleas.

Filed: 10-23-52.

Jeffrey J. Mashburn, Jr.  
Judge.

RECORDED AND INDEXED

GUSSIE DIXON,

VS.

B. F. KUCERA,

Plaintiff,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

REPLICATION

Now comes the Plaintiff and for replication to Defendant's Plea 3, says:

1. He is not guilty of the matters and things set out therein.

2. The Defendant himself was guilty of negligence, which proximately contributed to his said injuries and damage.

*And the Plaintiff for replication to Plea 2 as filed to Court says that he joins issue thereon.*

*J. B. Barclay*

Attorneys for Plaintiff.

REPLICATION

GUSSIE DIXON,

Plaintiff,

VS.

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

*Filed: 10-23-50.*

*Jeffery J. Madlensky Jr.  
Judge.*

RECORDED




GUSSIE DIXON,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
-VS-	)	BALDWIN COUNTY, ALABAMA
B. F. KUCERA,	)	AT LAW
Defendant.	)	

The defendant, B. F. Kucera, for answer to the complaint and each count thereof, separately and severally saeth:-

1. He is not guilty of the matters alleged therein.
2. The plaintiff, Gussie Dixon, was guilty of negligence which contributed proximately to the injury complained of in the complaint, ~~in that on said day and date he, the said Gussie Dixon, drove his automobile in front of or across the line of passage of the automobile driven by the defendant and without signal, or with improper signal, at which time and place, this highway being heavily traveled, the plaintiff knew, or should have known, was dangerous and improper, and in violation of the rules of the road, which said negligence contributed proximately to his injuries.~~
3. The plaintiff was at the time of the filing of the suit in this cause indebted to him in the sum of \$2,500.00 as damages for that on, to-wit, the 18th day of June, 1949, the plaintiff so negligently drove an automobile, which he was operating on and along Alabama Highway No. 3 at or near its intersection with Hoiles Street, which said highway at said point is a public highway in the Town of Robertsdale, County of Baldwin, State of Alabama, as to cause the same to run into, upon, or against the automobile of the defendant in which he was riding at said time and place, and as a proximate consequence and result of said negligence on the part of said plaintiff at said time and place the defendant received severe personal injuries in this, to-wit: He received severe abrasions, bruises and cuts; was made sick, sore and lame; he suffered great mental anguish and physical pain and suffered the loss of teeth, and at said time and place the automobile of the defendant was badly bent, broken and otherwise damaged and it was necessary for defendant to incur expenses in and about the repair and towing of the same, for all of

( 2 )

which said injuries and damages the defendant claims as a set-off against the claim of the plaintiff and prays judgment for the excess.



Attorney for Defendant

**RECORDED**

**ANSWER AND CROSS-BILL**

GUSSIE DIXON,

Plaintiff,

→ vs ←

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

FILED  
CECIL G

CECIL G. CHASON

OCT 19 1950  
ATTORNEY AT LAW  
FOLEY, ALABAMA

ALICE J. DUCK, Clerk

GUSSIE DIXON,

Plaintiff,

-vs-

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

Comes the defendant in the above styled cause and demurs to the complaint filed therein and separately and severally to each count thereof and for grounds of demurrer assigns separately and severally the following:

1. That said complaint does not state a cause of action.



Attorney for Defendant.

1401

D E M U R R E R

GUSSIE DIXON,

Plaintiff,

-vs-

B. F. KUCERA,

Defendant.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

NO. \_\_\_\_\_

FILED  
OCT 7 1949  
ALICE A. DOCK, Register

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon B. F. KUCERA

to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint filed in  
the Circuit Court of Baldwin County, State of Alabama, at Bay Minette, against \_\_\_\_\_

B. F. KUCERA

\_\_\_\_\_, Defendant\_\_\_\_\_

by GUSSIE DIXON

\_\_\_\_\_, Plaintiff\_\_\_\_\_

Witness my hand this 6th day of Sept 1949

Wing J. Duck, Clerk

No. 1401 Page \_\_\_\_\_

**THE STATE OF ALABAMA**

BALDWIN COUNTY

**CIRCUIT COURT**

GUSSIE DIXON

Plaintiffs

vs.

B. F. KUCERA

Defendants

**SUMMONS and COMPLAINT**

Filed 6th Sept, 19 49

W. J. Luck Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Sept. 6, 19 49

Taylor Wilkins, Sheriff

I have executed this summons

this 9-8, 19 49  
by leaving a copy with

B. F. Kucera

Taylor Wilkins Sheriff

Edleigh Stead Deputy Sheriff

GUSSIE DIXON, : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
vs. : AT LAW  
B. F. KUCERA, : NO. 1401  
Defendant. :

COUNT ONE

The plaintiff claims of the defendant, to-wit, Twenty-five Hundred Dollars (\$2,500.00) as damages for that on, to-wit, the 18th day of June, 1949, the defendant wilfully or wantonly drove an automobile which he was operating on and along Alabama Highway No. 3, at or near its intersection with ~~High~~<sup>Hoiles</sup> Street, which said highway at said point is a public highway in the City of Robertsdale, County of Baldwin, State of Alabama, and which said street at said point is a public street in said City of Robertsdale, County of Baldwin, State of Alabama, into, upon, over or against an automobile of the plaintiff which was being operated at said time and place, and in which said automobile the wife of the plaintiff was riding at said time and place, and as a proximate consequence and result of such wilfulness and wantonness of the defendant at said time and place, the plaintiff received severe personal injuries in this, to-wit: he was made sick, sore and lame, he was bruised about his body under his left arm; he suffered great mental anguish and physical pain, and he incurred large expense by way of doctors bills and medicines in and about curing his said personal injuries; and plaintiff further avers that as a proximate result of said wilfulness or wantonness of the defendant at said time and place, his said wife, Clina Dixon, received personal injuries in this: two of her ribs were broken and she was bruised about her chest; she received abrasions, bruises and cuts on or about her body, and she was otherwise made sick, sore and lame, and the plaintiff incurred doctor bills and medical expenses in and about treating said injuries of his said wife, he suffered loss of the services and consortium of his

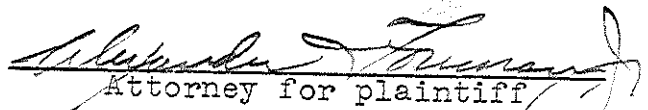


said wife for a long period of time, and plaintiff further avers that as a proximate result of said wilfulness or wantonness of the defendant at said time and place an automobile of the plaintiff was badly bent, broken and otherwise damaged, and it was necessary for him to incur expense in and about the repair and towing of the same; for all of which said injuries and damages the plaintiff claims damages as aforesaid; hence this suit.

COUNT II

The plaintiff claims of the defendant, to-wit, Twenty-five Hundred Dollars (\$2,500.00) as damages for that on, to-wit, the 18th day of June, 1949, the defendant so negligently drove an automobile which he was operating on and along Alabama Highway No. 3, at or near its intersection with <sup>Hoiles</sup> ~~Helen~~ Street, which said highway at said point is a public highway in the City of Robertsdale, County of Baldwin, State of Alabama, and which said street at said point is a public street in the City of Robertsdale, County of Baldwin, State of Alabama, as to cause the same to run into, upon, over or against an automobile of the plaintiff which was being operated at said time and place by the plaintiff and in which said automobile the wife of the plaintiff was riding at said time and place, and as a proximate consequence and result of such negligence on the part of the defendant at said time and place, the plaintiff received severe personal injuries in this, to-wit: he was made sick, sore and lame, he was bruised about his body under his left arm; he suffered great mental anguish and physical pain, and he incurred large expense by way of doctors bills and medicines in and about curing his said personal injuries; and plaintiff further avers that as a proximate result of said negligence on the part of the defendant at said time and place, his said wife, Clina Dixon, received personal injuries in this: two of her ribs were broken and she was bruised about her chest; she received abrasions, bruises and cuts on or about her body, and she was otherwise made sick, sore and lame, and the plaintiff incurred doctors bills and medical expenses in and about treating

said injuries of his said wife, he suffered loss of the services and consortium of his said wife for a long period of time, and plaintiff further avers that as a proximate result of said negligence on the part of defendant at said time and place an automobile of the plaintiff was badly bent, broken and otherwise damaged, and it was necessary for him to incur expense in and about the repair and towing of the same; for all of which said injuries and damages the plaintiff claims damages as aforesaid; hence this suit.

  
Attorney for plaintiff

Alexander Foreman, Jr.  
207 First National Bank Bldg.  
Mobile, Alabama

Defendant's address:

Silverhill, Alabama

no 1401

RECORDED

RECEIVED

RECEIVED