

1424

FRED GAUBETZ,
Plaintiff,
-vs-
HERMAN DOEGE,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

Comes the defendant in the above entitled cause and demurs to the complaint and separately and severally to each count thereof, and as grounds for demurrer assigns separately and severally the following:-

I.

For ought that appears in Count I of the complaint no damages were suffered by the plaintiff.

II.

For ought that appears in Count II of the complaint no damages were suffered by the plaintiff.

III.

The complaint alleges no injury to the plaintiff.

IV.

Count I of said complaint does not allege with sufficient certainty the date of the alleged slander.

V.

Said complaint does not contain a cause of action.

VI.

The complaint shows no injury to the plaintiff from the alleged slander.

VII.

For ought that appears in Count II of said complaint no damages are shown which could not be recovered in an action of breach of contract.

VIII.

County II of said complaint affirmatively shows the plaintiff to have had a contract to perform said work which would be, for ought that appears, enforceable under the laws of the State of Alabama, thereby nullifying any damages to the plaintiff.

IX.

The plaintiff alleges insufficient facts to show damages.


C. G. C.

X.

Count II of the complaint is vague and uncertain.


Attorney for Defendant

Defendant demands a trial
by jury.


Attorney for Defendant.

RECORDED

1424

DEMURRERS

FRED GAUBETZ,

Plaintiff,

-VS-

HERMAN DOEGE,

Defendant.

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

FILED

DEC 19 1949

ALICE J. DUCK, Clerk

CECIL G. CHASON

ATTORNEY AT LAW

FOLEY, ALABAMA

SUMMONS

THE STATE OF ALABAMA,)
BALDWIN COUNTY.)

TO ANY SHERIFF OF THE STATE OF ALABAMA - GREETING:

YOU ARE HEREBY COMMANDED TO SUMMON HERMAN DOEGE, 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 FRED GAUBETZ.

Witness my hand this the 24th day of October, 1949.

W. J. Wicks
CLERK

COMPLAINT

FRED GAUBETZ,

Plaintiff

vs.

HERMAN DOEGE,

Defendant

IN THE CIRCUIT COURT OF
THE TWENTY EIGHTH JUDICIAL
CIRCUIT OF ALABAMA - AT LAW

COUNT I

The Plaintiff claims of the Defendant TEN THOUSAND & 00/100 DOLLARS (\$10,000) ~~for~~ ^{damages} for falsely and maliciously charging the Plaintiff with larceny by speaking of and concerning him in the presence of divers persons in substance, as follows: "You don't want that painter (referring to the Plaintiff), he's no good, he will steal everything you got - he stole \$20.00 off my counter," viz: on the 24th day of October, 1949.

COUNT II

The Plaintiff claims of the Defendant TEN THOUSAND & 00/100 DOLLARS (\$10,000) ~~for~~ ^{damages} for that heretofore on, to wit: the 24th day of October, 1949, the Plaintiff, who is a painting contractor, had entered into a contract to paint a certain house for, to wit: William Geiger, but when the Plaintiff reported for work, on to wit: the 25th day of October, 1949, the said William Geiger refused to permit the Plaintiff to paint his house and that said William Geiger was going to look for a different painter because he "did not want a man that steals everything". Upon the Plaintiff's inquiry, the said William Geiger stated that Herman Doege, the Defendant, informed him, to wit: "You don't want that painter (referring to the Plaintiff) he's no good, he will steal everything you got - he stole \$20.00 off my counter." Thus falsely, maliciously and without reasonable or probable cause therefor, damaged the Plaintiff in his trade, profession or business to the damage of the Plaintiff as aforesaid.

W. J. Wicks
Attorney for Plaintiff

The Defendant lives at Elberta, Alabama.

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

Executed This
day 11-18-1949
By Leaving Copy
With
Herman Dodge

Sheriff
Taylor Wilkins
By
Ed Leigh Strachan

11-18-48

RECORDED

1424

SUMMONS AND COMPLAINT

FRED GAUBETZ,

Plaintiff

vs.

HERMAN DODGE,

Defendant

IN THE CIRCUIT COURT OF
THE TWENTY EIGHTH JUDICIAL
CIRCUIT OF ALABAMA - AT LAW

FILED

OCT 26 1949

Alice J. Duck, Clerk

LAW OFFICE OF
FOREST A. CHRISTIAN
FOLEY, ALABAMA