

Emil Graf, Jr.)
 Plaintiff,)

-vs-

George K. Hicks,)
 Defendant.)

NO.

1504

IN THE CIRCUIT COURT FOR BALDWIN
COUNTY, ALABAMA

To The Hon. Telfair J. Mashburn, Jr., Judge of said Court:

Comes now George K. Hicks specially appearing under protest
 for the purpose of this plea and for no other, says
that this Court ought not to have or take further cognizance of this
suit for the reason that the Complaint filed therein, names G. H.
Hicks, as Defendant, whereas the party filing this plea is named
George K. Hicks, upon whom a copy of the Summons and Complaint filed
herein was served by the Sheriff of Baldwin County, although he,
George K. Hicks is not properly made a party to this cause; where-
fore insisting upon his exemption from suit in this cause, he prays
judgment of the Court whether he shall answer further.

G. K. Hicks

Subscribed and sworn to before me)

This 30th day of June, 1950.

J. J. H. H. H.
NOTARY PUBLIC.

George K. Hicks

#1504

Emil Prof, Jr
Plaintiff

^{vs}
L. H. Hicks
Def. -

Plea in Abatement

FILED

JUN 30 1950

ALICE J. DUCK, Clerk

Emil Graf, Jr.
Plaintiff,
-vs-
G. K. Hicks,
Defendant.

NO. 15-04

IN THE CIRCUIT COURT FOR BALDWIN
COUNTY, ALABAMA.

Comes now the Defendant, G. K. Hicks and demurs to Count One of the Complaint filed against him and each and every aspect thereof, and each and every alternative separately and severally and as for grounds for said demurrers, separately and severally, assigns the following:

1. From aught that appears in said Complaint the Defendant owed no duty to the Plaintiff.
2. That the Complaint alleges no duty owed by the Defendant to the Plaintiff.
3. From aught that appears the Defendant did not fail to meet any duty owed by him to the Plaintiff.
4. From aught that appears the Defendant violated no duty owed by him to the Plaintiff.
5. From aught that appears the Plaintiff was not lawfully operating his automobile, at the time he suffered his alleged injury.
6. From aught that appears the injury suffered by the Plaintiff was a result of the Plaintiff's own negligence.
7. From aught that appears the Plaintiff was not lawfully at the place where his alleged injury occurred.
8. From aught that appears the Defendant was guilty of no negligence which contributed to the alleged injury of the complaint.
9. For that said Complaint does not set forth with sufficient particularity any negligence on the part of the Defendant which proximately caused the alleged of the Plaintiff.
10. For that said Complaint does not sufficiently allege any negligent act on the part of the Defendant to inform your Defendant of what he is asked to defend.
11. For that said Complaint fails to inform the Court with sufficient particularity, any act or omission of act on the part of the Defendant which proximately caused the alleged injury

to the Plaintiff.

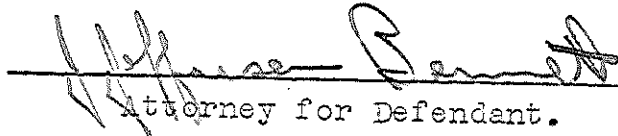
12. From aught that appears the Plaintiff was a trespasser at the time he suffered his alleged injury.

13. From aught that appears the Plaintiff was not lawfully on U. S. Highway 90 at the time he suffered his alleged injury.

14. That the Complaint does not allege any facts which reveal a duty owed to the Plaintiff by the Defendant or any facts which reveal a violation of any duty owed the Plaintiff by the Defendant.

15. That the Complaint does not state a cause of action.

16. From aught that appears the Plaintiff has no cause of action against this Defendant.


Attorney for Defendant.

RECORDED

Emil Dief, Jr.,
Plaintiff

Vs

S. H. Hicks, Def-

Demurer to Count One
of Complaint

FILED

JUN 30 1950

ALICE L. DUCK, Clerk

J. Jefferson Bennett
att'y for Defendant

EMIL GRAF, JR.,)	IN THE CIRCUIT COURT OF
)	
Plaintiff,)	BALDWIN COUNTY, ALABAMA
)	
-vs-)	
)	
G. H. HICKS,)	AT LAW NO. _____
)	
Defendant.)	

COUNT ONE

Plaintiff claims of the Defendant the sum of TEN THOUSAND and 00/100 (\$10,000.00) DOLLARS as damages for that heretofore and on, to-wit, the 27th day of April, 1950, the Defendant so negligently operated an automobile on Highway 90 (also called Cochrane Bridge Causeway) at a point about, to-wit, four-tenths (4/10) of a mile East of the Tensas River bridge, a public highway in the County of Baldwin, State of Alabama, as to cause the same to run upon, over or against the automobile which the Plaintiff then and there owned and was operating, as a proximate result of which negligence, Plaintiff suffered numerous bruises, lacerations and contusions, was made sick and sore and suffered great physical and mental anguish, including a fracture of his breast bone and the loss of several teeth, in the treatment of which Plaintiff was compelled to expend great sums of money for medical treatment, medicine and similar expenditures, and also Plaintiff's car was bent, torn, twisted, damaged and virtually demolished; WHEREFORE, Plaintiff brings this suit and asks judgment for the above amount.

COUNT TWO

Plaintiff claims of the Defendant the further and additional sum of TEN THOUSAND and 00/100 (\$10,000.00) DOLLARS as damages for that heretofore and on, to-wit,

the 27th day of April, 1950, the Defendant wantonly or wilfully injured the Plaintiff by causing Defendant's automobile to run over, upon and against an automobile owned and operated by Plaintiff on Highway 90 (also called Cochrane Bridge Causeway) at a point about, to-wit, four-tenths (4/10) of a mile East of the Tensas River bridge, a public highway in the County of Baldwin, State of Alabama, as a direct and proximate result whereof Plaintiff suffered numerous bruises, lacerations and contusions, was made sick and sore and suffered great physical pain and mental anguish, including a fractured breast bone and the loss of several teeth, and also damaging Plaintiff's automobile so that the same was bent, torn, twisted, damaged and virtually demolished, and Plaintiff was compelled to expend great sums of money in and about the treatment of his physical injuries, including costs of medical treatment as aforesaid and also in and about the repairs and restoration of the Plaintiff's said automobile; WHEREFORE, Plaintiff brings this suit and asks judgment in the above amount.

HOLBERG, TULLY & ALDRIDGE
Attorneys for Plaintiff.

By 
Member Appearing

Plaintiff demands a Trial by Jury.

Service of Process may be had on
Defendant at 104 Murphy Avenue,
Fairhope, Alabama.

NW 1504

FILED

JUN 1 1950

ALICE J. DUCK, Clerk

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 G. H. HICKS

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 _____

G. H. HICKS

_____, Defendant____

by _____

EMIL GRAF, JR

_____, Plaintiff____

Witness my hand this 1st day of June 19 50

Alice J. Smith

_____, Clerk

RECORDED

July

No. *1504*

Page

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

Emil Bras, Jr.

Plaintiffs

vs.

G. W. Hicks

Defendants

SUMMONS and COMPLAINT

Filed *6-1*, 19 *50*

Reed L. Erickson, Clerk

*are the jury
fix the damages
at \$2500.00*

for master John E. May Jr.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

June 1, 19 *50*

Taylor Wilkins Sheriff

I have executed this summons

this *June 4*, 19 *50*
by leaving a copy with

G. W. Hicks

Taylor Wilkins Sheriff

H. F. Hall Deputy Sheriff

DR. W. C. STEPHENS

ORTHOPEDIC SURGERY

331-4-5 FIRST NATIONAL BANK BUILDING
MOBILE 13, ALABAMA

July 8, 1950

Mr. Henri M. Aldridge, Atty.,
First National Bank Bldg.,
Mobile, Alabama.

Re: Emile Graf, Jr.,

Dear Sir:

I give you herewith my report on the above captioned individual, who has been under my care since his injury of May 28, 1950.

CHIEF COMPLAINT: Painful chest, loss of teeth and contused right knee.

HISTORY: On May 28, 1950, while driving his automobile in Fairhope, Alabama, he had a head-on collision with a Mr. Hicks, producing injuries to his chest, mouth and right knee. He was X-Rayed at Providence Hospital.

PAST HISTORY: Negative.

PHYSICAL EXAMINATION: Reveals a white, male individual, 45 years of age, 6 feet tall, weighing 145 pounds, who walks in a slightly stooped position.

HEAD: Negative except for loss of two upper incisor teeth that were broken off, and one false tooth completely knocked out.

NECK: Negative.

CHEST: Negative except for pain over sternum when he breathes and on palpation, and there is a moderate degree of kyphosis in the dorsal area.

The remainder of the physical examination is negative except for contusion of the right knee and a scar over lumbar area as a result of herniated disc operation.

X-RAY EXAMINATION: Reveals a fracture of the upper one-third of the sternum, good position.

DIAGNOSES: 1. Fracture of the upper one-third of the sternum, good position.
2. Loss of one false tooth and $\frac{1}{2}$ of two upper left incisors.
3. Contusion of the right knee.

OPINION AND RECOMMENDATION: It is my opinion on last examination, June 20, 1950, that this individual has completely recovered from his injuries except for the loss of his teeth which is to be taken care of by Dr. Sidney Van Antwerp.

WCS:wfr

Yours truly,

W.C. Stephens
W.C. Stephens, M.D.

LAW OFFICES
HOLBERG, TULLY AND ALDRIDGE
SUITE 631-636 - FIRST NATIONAL BANK BLDG.
P. O. BOX 47
MOBILE 1, ALABAMA

RALPH G. HOLBERG, JR.
ALBERT J. TULLY
HENRI M. ALDRIDGE

May 31, 1950.

Mrs. Robert S. Duck, Clerk,
Circuit Court, Baldwin County,
Bay Minette, Alabama.

Dear Mrs. Duck: Re: Graf vs Hicks

There is herewith enclosed in duplicate
a Complaint in the above entitled cause.

Will you be good enough to issue service
of process thereon.

With kindest regards and best wishes, I
remain

Very truly yours,

HOLBERG, TULLY & ALDRIDGE

By: 

H. M. ALDRIDGE

HMA/s
Encl.

W1504

Emil Graf, Jr.

vs.

G. W. Hicks

Damages

Filed 6-1-50

Habery, Tully & Aldridge

June

J. JEFFERSON BENNETT

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXX~~
~~FAIRHOPE, ALABAMA~~

Box 731,
University, Alabama,
February 13, 1951.

Mrs. Alice J. Duck,
Circuit Clerk,
Bay Minette, Alabama.

RE: Emil Graf v. G. K. Hicks.

Dear Mrs. Duck:

At the time I left my practice in Fairhope, Mr. William R. Laughton was substituted for me as attorney for the defendant in this case. I neglected to notify your Court to remove my name as attorney of record. Will you please do so on the authority of this letter?

I have been informed by Mr. Laughton that he has also removed his name as attorney of record. I know nothing of that transaction nor Mr. Hicks' plans for the future.

I am enjoying my work here, but miss seeing you and your family. Please give my regards to everyone in the courthouse.

Yours very truly,


J. Jefferson Bennett.

JJB/hn.

THE 1954 ADVERTISING
COMPANY
PUBLISHED BY
ADVERTISING COMPANY

1504

1504

Plaintiff Exhibit 2
THE MERCHANTS NATIONAL BANK
OF MOBILE

61-29
651

Pay to the order of Mobile, Ala. July 27 1956
Barnes Motor Line — \$660⁸²
Six Hundred Sixty 82 Dollars
No. Emil Keef Jr

Plaintiff Exhibit 7, 1
THE MERCHANTS NATIONAL BANK
OF MOBILE

61-29
651

Pay to the order of Mobile, Ala. Aug 28 1956
Mr Sid Van Antwerp — \$121⁰⁰
GRAF'S DAIRY 121 DOLS 00 CTS Dollars
No. Emil Keef Jr

BARNES MOTORS INC.

PAY TO THE ORDER OF

The American National Bank and Trust Company

MOBILE, ALA.

AN FIRST ENDORSEMENTS GUARANTEE

G. E. BARNES CO. 1

234

THE AMERICAN NATIONAL BANK & TRUST CO.
OF MOBILE, ALA.
JUL 29 1950
MOBILE CREDIT HOUSE
R. H. WIDMAN, Cashier

Redney O Van Curen
for deposit

THE AMERICAN NATIONAL BANK & TRUST CO.

MOBILE CREDIT HOUSE

SEP 2 1950

THE AMERICAN NATIONAL BANK & TRUST CO.

61-35 OF MOBILE 61-35
MOBILE ALA.

R. H. WIDMAN, Cashier