

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon R. V. PEAUVY Operating and doing business as Gulf Shore Building Supply Company, 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 the same, then and there to answer the complaint of A. K. Easley, A. T. Easley and M. T. Easley, partners, operating and doing business as Baldwin Pole & Piling Company, as Plaintiff.

WITNESS My hand, this the \_\_\_\_\_ day of June, 1951.

Register

A. K. EASLEY, A. T. EASLEY,  
AND M. T. EASLEY, Partners,  
operating and doing business as  
Baldwin Pole & Piling Company

PLAINTIFFS

VS

R. V. PEAUVY, Operating and doing  
business as Gulf Shore Building  
Company,

DEFENDANTS

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

1677

The Plaintiffs claim of the Defendant ONE THOUSAND (\$1000.00) DOLLARS as damages for that heretofore on, to-wit: January 5, 1951, on the Mobile Causeway, a public highway in Baldwin County, Alabama, the Defendant acting by and through his agent, servant or employee who was then and there acting within the line and scope of his employment so negligently operated a truck, at said time and place, belonging to the Defendant as to cause it to collide with a truck of the Plaintiffs and as a proximate result of said negligence on the part of the agent, servant or employee of the Defendant who was then and there acting within the line and scope of his employment the automobile truck of the Plaintiffs was damaged as follows: the fenders were bent and broken; the grill panel assembly was broken; the head lights assembly was broken; the hood was bent and broken; the doors were bent and broken; the radiator was bent and broken; that the said truck of the Plaintiffs was used for commercial purposes and ~~they~~ were caused to lose the use thereof for a period of to-wit, twenty five days; all to the damages of the Plaintiffs as aforesaid.

2.

The Plaintiffs claim of the Defendant, ONE THOUSAND (\$1000.00) DOLLARS as damages for that theretofore on to-wit, January 5, 1951, the Defendant acting by and through his servant, agent or employee who was then and there acting within the line and scope of his employment was driving an automobile truck along the Mobile Causeway, a public highway in Baldwin County, Alabama; that the said servant, agent or employee of the Defendant, while acting within the line and scope of his employment negligently stopped the Defendants truck upon said road in such close proximity to the truck of the Plaintiffs that the Plaintiffs' truck crashed into the truck of the Defendant, and the truck of the Plaintiff was damaged as follows: the fenders were bent and broken; the grill panel assembly was broken; the head lights assembly was broken; the hood was bent and broken; the doors were bent and broken; the radiator was bent and broken; that the said truck of the Plaintiffs was used for commercial purposes and ~~they~~ were caused to lose the use thereof for a period of to-wit, twenty-five days.

The Plaintiffs allege that their said damages and loss was the proximate result of the negligence of the agent, servant or employee at the said time and place, who was then and there acting within the line and scope of his employment.

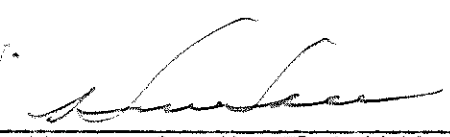
The Plaintiffs demand a trial by jury.

FILED

6-15, 51

ALICE J. DUCK, Clerk

  
Attorney for the Plaintiffs

  
Attorney for the Plaintiffs

Received in Sheriff's Office  
this 16 day of June 1951  
TAYLOR WILKINS, Sheriff

NO 1677

Executed 6-19 1951  
by serving copy of within Summons and  
Complaint on

R. V. Peavy

Taylor Wilkins Sheriff  
By 147 Hall Deputy Sheriff

A. R. MASLIN, A. T. BASINX,  
AND E. T. BASLEY, Partners  
operating and doing business  
as Baldwin Pole & Piling Company

PLAINTIFFS

VS

R. V. PEAVY, Operating and doing  
business as Gulf Shore Building  
Company

Defendants

SUMMONS AND COMPLAINT

Filed 6-15-51  
Alice French  
clerk

A. K. HASLEY, A. T. HASLEY,  
AND M. T. HASLEY, Partners,  
operating and doing business as  
Baldwin Pole and Piling Company

PLAINTIFFS

VS

R. V. PEAVY, Operating and doing  
business as Gulf Shore Building  
Company,

DEFENDANT

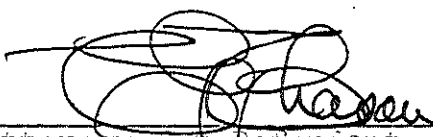
IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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 follows:

1. That a Court of Equity lacks jurisdiction for the trial of the facts alleged in said complaint.
2. It is not alleged with sufficient certainty where said accident occurred.
3. It is not alleged with sufficient certainty the time of said accident.
4. Said complaint is vague and indefinite.
5. Said complaint states no cause of action against the defendant.
6. No facts are alleged to show that defendant owed plaintiff any duty which was breached at the time and place of said accident thereby causing damage.
7. No facts are alleged to show that plaintiffs sustained any damage or injury as proximate result of any negligence or breach of duty on the part of the Defendant.
8. Facts are alleged in said complaint which show negligence on the part of the Plaintiffs rather than on the part of the Defendant.
9. The alleged negligence of the Defendant is not set forth with sufficient certainty.

  
Attorney for Defendant

7201677

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DE M U R R E R S

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A. K. EASLEY, A. T. EASLEY,  
and M. T. EASLEY, partners,  
operating and doing business  
as Baldwin Pole and Piling  
Company,

Plaintiffs,

-VS-

R. V. PEAVY, operating and  
doing business as Gulf  
Shore Building Company,

Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

( ) ( ) ( ) **FILED** ( ) ( ) ( )

JUL 10 1951

ALICE J. DUCK, Clerk

A. K. EASLEY, A. T. EASLEY,  
and M. T. EASLEY, partners,  
operating and doing business  
as Baldwin Pole & Piling Com-  
pany,

PLAINTIFFS,

-vs-

R. V. PEAVY, operating and  
doing business as Gulf Shores  
Building Supply Company,

DEFENDANT.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

The defendant, R. V. Peavy, 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 plaintiffs, acting by and through its agent, ser-  
vant or employee, who was then and there acting within the line and  
scope of his employment, was guilty of negligence which contributed  
proximately to the injury complained of in the complaint in that,  
on said day and date, said agent, servant or employee was following  
too closely the vehicle of the defendant, at which time and place,  
this highway being heavily traveled, the agent, servant or employee  
of the plaintiffs knew, or should have known, was dangerous and im-  
proper, and in violation of the rules of the road, which said negli-  
gence contributed proximately to the injury of the plaintiffs.

3. The plaintiffs were at the time of the filing of the  
suit in this cause indebted to the defendant in the sum of Two Hun-  
dred Seventy and 50/100 Dollars (\$270.50) as damages, for that on,  
to-wit, the 5th day of January, 1951, the plaintiffs, acting by and  
through its agent, servant or employee, who was then and there act-  
ing within the line and scope of his employment, so negligently  
operated the truck, at said time and place, belonging to the plain-  
tiffs as to cause it to collide with a truck of the defendant and,  
as a proximate result of said negligence on the part of the agent,  
servant or employee of the plaintiffs, who was then and there with-  
in the line and scope of his employment, the automobile truck of the  
defendant was damaged as follows: the right front fender was bent  
and broken, the right front tire was broken, punctured and made use-  
less, the axle was bent and broken; that the said truck of the de-  
fendant was used for commercial purposes and he was caused to loose

the use thereof, all to the damage of the defendant as aforesaid, for all of which said damages the defendant claims as a setoff and recoupment against the claim of the plaintiffs and prays judgment for the excess.

  
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Attorney for Defendant

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ANSWER AND CROSS-SUIT

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A. K. EASLEY, A. T. EASLEY,  
and M. T. EASLEY, partners,  
operating and doing business  
as Baldwin Pole & Piling Com-  
pany,

Plaintiffs,

-vs-

R. V. PEAUVY, operating and  
doing business as Gulf Shores  
Building Supply Company,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

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CECIL G. CHASON  
ATTORNEY AT LAW  
POLEY, ALABAMA

OCT 13 1951

ALICE I. DUCK, Clerk

Executed Oct 15 1951  
by serving copy of within ~~Summons~~ and  
~~Suit~~ Answer & cross  
Complaint on

H. M. Hall Attorney

Taylor Wilkins Sheriff  
By H. M. Hall Deputy Sheriff

1677