

1760

GULF SERVICE COMPANY, INC.,
A CORPORATION,

Plaintiff,

vs.

EMMET WENZEL,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

PLEAS

Comes now the Defendant in the above styled cause and for answer to the Complaint heretofore filed against him pleads as follows:

1. Not guilty.
2. That the Plaintiff itself was guilty of negligence which proximately contributed to the damages to the motor vehicle complained of in that the driver of the Plaintiff's said motor vehicle so negligently operated the same as to cause or allow said motor vehicle to stop suddenly in front of and in the lane of traffic in which the motor vehicle of the Defendant was then travelling in such a manner that the driver of the Defendant's motor vehicle did not have sufficient time nor space to stop the Defendant's said motor vehicle and as a proximate result of the negligence of the driver of the Plaintiff's motor vehicle aforesaid the motor vehicle of the Defendant ran into, upon and against the rear of the automobile of the Plaintiff and hence the Plaintiff should not recover.

Respectfully submitted,

CHASON & STONE

By: 

Attorneys for Defendant.

FILED

Nov. 20-1953

ALICE J. DUCK, Clerk

We the jury hereby
find for the defendant
Jesse T. Burke.
Foreman of the jury

1760

GULF SERVICE COMPANY, INC.,
A CORPORATION,

Plaintiff,

vs.

EMMET WENZEL,

Defendant.

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

PLEAS

FILED
NOV 20 1953
ALICE J. DUCK, Clerk

AMENDED COMPLAINT

GULF SERVICE CO., INC.,)
 a Corporation,)
 PLAINTIFF)
 VS.)
 EMMET WENZEL)
 DEFENDANT)

, IN THE CIRCUIT COURT OF
 BALDWIN COUNTY, ALABAMA
 IN LAW
 NO. 1760

Comes the plaintiff and files this its amended bill
 of complaint and says:

The Plaintiff claims of the Defendant the sum of
 Eight Hundred Dollars (\$800.00) as damages for that heretofore
 on, towit: July 13, 1951, the plaintiff's automobile was lawfully
 being operated along and upon a public street and highway in the
 Town of Robersdale, Baldwin County, Alabama, on to-wit: Alabama
 State Highway number three(3), where said plaintiff's automobile
 had a right to be, and while said automobile was stopped lawfully
~~on said Highway three in the Town of Robersdale, Alabama, for a~~
 red light at the one and only traffic light on Alabama Highway
 number three in the Town of Robersdale, Alabama, the agent, serv-
 ant or employee of the defendant in charge or control of the
 operation of a truck belonging to the defendant, while acting
 within the line or scope of his employment as such agent, servant
 of employee, negligently ran said truck upon, over or against the
 automobile of the plaintiff causing great injuries and damages ~~to~~
 to the plaintiff's automobile, in this to-wit: the rear bumper,
 bumper gaurds, tail lights, tag lights, rear body panels, right
~~rear fender, trunk, car frame, chassis, and other parts of plaint-~~
 iff's automobile were broken, smashed bent, or otherwise damaged
 and injured, all to the damage of the Plaintiff as aforesaid. The
 plaintiff alleges that the said damages to his said automobile
 were proxiametly caused and a direct consequence of the negligence
 of the defendants agent, servant or employee while acting within
 the line or scope of his employment ans as a proxiamate consequene
 thereof, the plaintiff's automobile was damaged and injured as
 aforesaid and the plaintiff caused to lose the ~~xxxxxx~~ use of said
 automobile for a long period of time to his damage.

Arthur C. Epperson
 Attorney Plaintiff

10/10/54

Filed 9/13/54
H. H. H. H.
R. H. H.

10/10/54

10/10/54

10/10/54

10/10/54

10/10/54

AMMENDED COMPLAINT

GULF SERVICE COMPANY, INC.,
A Corporation

PLAINTIFF

VS.

EMMET WENZEL

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

Comes the Plaintiff and files this his amended bill of complaint and says:

The Plaintiff claims of the Defendant the sum of Three Hundred Dollars (\$300.00) as damages for that heretofore on, to-wit: July 13, 1951, the plaintiff's Automobile was lawfully being operated along and upon a public street and highway in the Town of Robertsdale, Alabama, on to-wit: Alabama State Highway number three (3), where it had a right to be, and while said automobile was stopped lawfully on said highway three in the Town of Robertsdale for a red light at the one and only traffic light on highway three in the Town of Robertsdale, the agent, servant or employee of the defendant in charge or control of the operation of a truck, while acting within the line or scope of his employment as such agent, servant or employee, negligently ran said truck upon, over or against the automobile of the ~~XXXXXXXX~~ Plaintiff causing great injuries and damages to the Plaintiff's automobile; in this, to-wit: the rear bumper, bumper guards, tail lights, tag lights, rear body panels, right rear fender, trunk, car frame, and other parts of Plaintiff's automobile were broken, smashed, bent, or otherwise damaged and injured, all to the damage of the Plaintiff as aforesaid. The plaintiff alleges that the said damages to his said automobile were proxiametly caused by the negligence of the Defendant's agent, servant or employee while acting within the line or scope of his employment and as a proxiamate consequence thereof, the Plaintiff's automobile was damaged and injured as aforesaid.

FILED

June 14, 1953

ALICE J. DUCK, Clerk

Arthur C. Epperson
Attorney for Plaintiff

1760

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

GULF SERVICE COMPANY, INC.

A CORPORATION

PLAINTIFF

VS.

EMMET WENZEL

DEFENDANT

AMENDED BILL OF COMPLAINT

*****!&&

FILED

JUN 16 1953

ALICE J. DUCK, Clerk

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Emmet Wenzel 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 Gulf Service Company, Inc. a Corporation.

Witness my hand, this the ____ day of February, 1952.

Clerk

GULF SERVICE COMPANY, INC.,
A CORPORATION.

PLAINTIFF

VS.

EMMET WENZEL

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

IN LAW

The Plaintiff claims of the defendant the sum of three hundred dollars as damages for that heretofore on, to-wit: July 13th, 1951, the plaintiff's automobile was lawfully being operated along and upon a public street and highway in the city of Robertssdale, Alabama, on, to-wit: state highway number three, where it had a right to be, and while said automobile was stopped on said highway three in the City of Robertssdale, Alabama for and at the one and only stop light on Highway three in the City of Robertssdale, a truck which was being driven by the defendant, *negligently* ran upon, over or against the automobile of the plaintiff's, causing great damages and injuries to the plaintiff's automobile: The rear bumper, bumper guards, tail lights, tag lights, rear body panels, right rear fender, trunk, car frame, and other parts of plaintiff's automobile were broken, bent, smashed, or otherwise damaged and injured, all to the damage of the plaintiff as aforesaid. The plaintiff alleges that its said damages to his said automobile were proximately caused by the negligence of the defendant, in that he negligently *operated* caused, ~~allowed or permitted~~ said ~~auto~~ truck *in such a manner as* to run upon, over or against the automobile of the plaintiff and as a proximate consequence thereof, the plaintiff's automobile was damaged and injured as aforesaid.

Arthur C. Epperson
Attorney for Plaintiff

Defendants Address:
Bon Secour, Ala.

FILED

Feb. 4. 1952

ALICE J. DUCK, Clerk

Received in Sheriff's Office
this 4 day of Feb, 1952
TAYLOR WILKINS, Sheriff

Executed 2-12-52
by serving a copy
of the within complaint
on Emmet Wenzel

Taylor Wilkins Sheriff
Collegiate Steadham D.S.

2-12-52

No. 1160

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
IN LAW

GULF SERVICE COMPANY, INC.
A CORP.
PLAINTIFF

VS

EMMET WENZEL
DEFENDANT

COMPLAINT

FILED

FEB 4 1952

ALICE J. DUCK, Clerk

ARTHUR C. EPPERSON
ATTORNEY AT LAW
MOBILE, ALABAMA

GULF SERVICE COMPANY, INC.,
A Corporation,

Plaintiff,

vs.

EMMET WENZEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

No. 1760

DEMURRER

Comes now the Defendant Emmet Wenzel, by his attorneys, and demurs to the complaint heretofore filed against him and in support thereof assigns the following separate and several grounds:

1. That the Complaint fails to state a cause of action.
2. It is not alleged with sufficient certainty the time at which the alleged accident occurred.
3. There are no facts alleged in the Complaint showing a duty owing by the Defendant to the Plaintiff.
4. For aught that appears from the Complaint there was no duty owing from the Defendant to the Plaintiff.
5. For aught that appears from the Complaint the Plaintiff had no right to be stopped on Alabama Highway #3, at the place alleged.
6. For aught that appears from the Complaint the automobile of the Plaintiff was across said highway at said place.
7. There are no facts alleged which establish negligence on the part of the Defendant.
8. The Complaint does not allege negligence on the part of the Defendant.
9. The Complaint fails to allege that the injuries complained of were the proximate consequence of any negligence of the Defendant.
10. The Complaint fails to allege that the negligence of the Defendant was the proximate cause of the injuries and damages complained of.

Respectfully submitted,

CHASON & STONE

The defendant demands a
trial by Jury.

By: Melvin G. Stone

Re-FILED

8-20-52

ALICE J. DUCK, Clerk

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DEMURRER

GULF SERVICE COMPANY, INC.,
A Corporation,

Plaintiff,

vs.

EMMET WENZEL,

Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 1760.

Filed: February 26th, 1952.

Archie J. Chason
Clerk.

Refiled 8-20-52
Archie J. Chason
Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

1.

The Court charges the jury that if
you believe the evidence in this case you
must find for the Defendant

Brown
17 Mitchell Lane