

FREDERICK G. ALLUMS, JR.,	X	
Plaintiff,	X	
Vs.	X	IN THE CIRCUIT COURT OF
FRANKLIN LEVI BUZBEE, FRANK	X	
BUZBEE, and PAUL S. MARTELL,		
and JOHN DOE, whose name is	X	BALDWIN COUNTY, ALABAMA
otherwise unknown at this time		
but will be added when ascer-	X	
tained, and JAMES DOE, whose		
name is otherwise unknown at	X	CASE NO. 9021
this time but will be sub-		
stituted when ascertained,	X	
and XYZ COMPANY, whether or		
not incorporated, and its	X	
partners if an unincorporated		
association whose name is	X	
otherwise unknown at this time		
but will be added when ascer-	X	
tained, and ABC, INC., a cor-		
poration whose name is other-	X	
wise unknown but will be		
substituted when ascertained,	X	
jointly and severally,		
Defendants.	X	
	X	

D E M U R R E R

Come now the Defendants in the above styled cause, separately and severally, by and through their attorneys of record, and demur to the Complaint heretofore filed against them in the above styled cause and to each and every count thereof, separately and severally, and show unto the Court the following separate and several grounds in support thereof:

1. The said Complaint does not state a cause of action.
2. That it does not state facts sufficient to constitute a cause of action against these defendants.
3. For that negligence is therein alleged merely as a conclusion of the pleader.
4. For that it is vague, indefinite and uncertain, in that it does not apprise these defendants with sufficient certainty against what act or acts of negligence defendants are called on to defend.

5. It is not alleged with sufficient certainty where said accident occurred.

6. It is not alleged that the negligence complained of proximately caused the accident and the injuries and damages complained of.

7. For that said count is duplicitous.

8. For that each injury complained of in the alternative could not result from each alternative act allegedly causing such injury.

9. For that each alternative averment does not state facts sufficient to constitute a cause of action against these defendants.

10. It is not alleged that the wanton conduct complained of proximately caused the accident and the injuries and damages complained of.

11. There is no allegation of either a willful or wanton act committed by these defendants.

12. There is no allegation of either a willful or wanton injury committed by these defendants.

13. For that each count in the Complaint does not state a cause of action against each individual defendant named in the suit.

14. For the said Complaint does not sufficiently allege an agency relationship under the Doctrine of Respondent Superior between the defendants.

CHASON, STONE & CHASON,

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, or mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 16 day of January, 1970.

By: [Signature]
Attorneys for Defendants.

FILED

JAN 16 1970

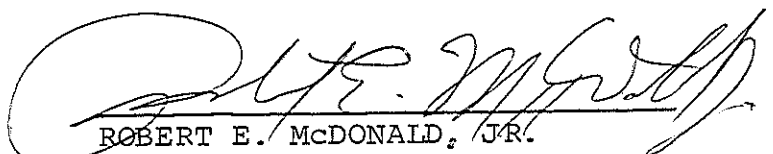
ALICE J. DUCK CLERK
REGISTER

FREDERICK G. ALLUMS, JR.,)	IN THE CIRCUIT COURT
Plaintiff,)	OF BALDWIN COUNTY, ALABAMA
Vs.)	
FRANKLIN LEVI BUZBEE, FRANK)	
BUZBEE, PAUL S. MARTELL,)	
et al,)	
Defendants.)	CASE NO. 9021

MOTION TO REINSTATE

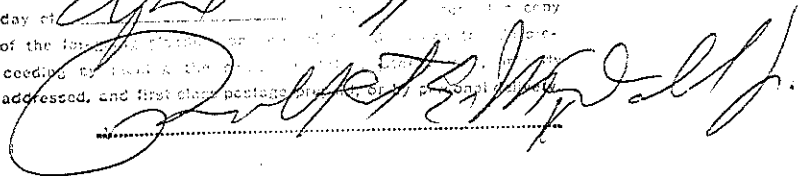
Comes Robert E. McDonald, Jr., attorney for plaintiff, and shows unto this Honorable Court that when the aforesaid case was set for trial in March he had an agreement with the Hon. John Chason, attorney for the plaintiff, that the above case would be continued as neither side was ready for trial and the pleadings were not settled. That plaintiff's attorney has not been notified of any hearings on the pleadings or demurrers.

WHEREFORE, THE PREMISES CONSIDERED, plaintiff asks this Honorable Court to reinstate this cause.


 ROBERT E. McDONALD, JR.
 Attorney for Plaintiff

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd day of April 1971, served a copy of the foregoing motion on the undersigned defendant, by depositing the same in the United States Mail, by first class postage prepaid, or by personal delivery, addressed, and first class postage prepaid, or by personal delivery.



FILED

APR 27 1971

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. **9021**.....

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ~~FRANKLIN LEVI BUZBEE, FRANK BUZBEE & PAUL S. MARTELL~~

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...~~FRANKLIN LEVI BUZBEE~~

.....~~ET. ALS.~~..... Defendant.....

by ~~FREDERICK G. ALLIMS, JR.~~.....

....., Plaintiff.....

Witness my hand this.....**3rd**.....day of.....**December**.....19**69**...

Alice J. Luck Clerk

No.....

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Plaintiffs

vs.

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

Clerk

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

FREDERICK G. ALLUMS, JR.,

Plaintiff,

Vs.

FRANKLIN LEVI BUZBEE, FRANK
BUZBEE, and PAUL S. MARTELL,
and JOHN DOE, whose name is
otherwise unknown at this time
but will be added when ascertained,
and JAMES DOE, whose name is
otherwise unknown at this time
but will be substituted when
ascertained, and XYZ COMPANY,
whether or not incorporated,
and its partners if an unincorp-
orated association whose name is
otherwise unknown at this time
but will be added when ascertained,)
and ABC, INC., a corporation
whose name is otherwise unknown
but will be substituted when
ascertained, jointly and severally,)

Defendants.

) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY, ALABAMA

) CASE NO. 9021

COUNT ONE

Plaintiff claims of the defendants, jointly and severally,
the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages,
for that heretofore, on to-wit, December 5, 1968, the defendant,
Franklin Levi Buzbee, the agent, servant or employee of defendants,
Frank Buzbee, John Doe and Paul S. Martell, while acting within the
line and scope of his authority did so negligently operate a motor
vehicle on Alabama Highway No. 59 at a point approximately 0.9 miles
south of the aforesaid Alabama Highway No. 59's intersection with
U. S. Highway 31, the aforesaid Alabama Highway No. 59, being a
public road in the County of Baldwin, State of Alabama, as to cause
his said vehicle to run into, upon or against the plaintiff's auto-
mobile which was his property and as a direct and proximate result
of the aforesaid negligence of the defendants, plaintiff's automobile

was badly bent, broken, suffered a loss of value and otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.

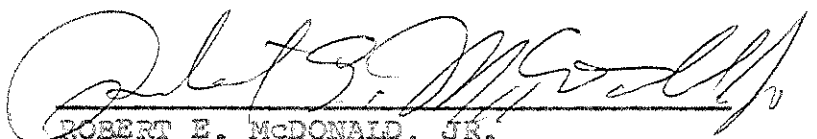
COUNT TWO

Plaintiff claims of the defendants, jointly and severally, the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of the defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so wantonly or willfully damage the plaintiff's automobile by causing an automobile to run upon, into or against plaintiff's automobile which was located on Alabama Highway 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and as a proximate result plaintiff was damaged as follows: His automobile was badly bent, broken and otherwise damaged and suffered a loss of value. Plaintiff also claims punitive damages. Hence plaintiff brings this suit and asks judgment in the above amount.

COUNT THREE

Plaintiff claims of the defendants, jointly and severally, the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, James Doe, whose name is otherwise unknown at this time but will be substituted when ascertained, the agent, servant or employee of Richard Roe, or XYZ Company, an unincorporated association of

partners and their partners whose names are otherwise unknown at this time but will be substituted when ascertained, or ABC, Inc., a corporation whose name is otherwise unknown at this time but will be substituted when ascertained, while acting within the line and scope of his authority, was in the custody and control of a motor truck which had been disabled and was stopped on the roadway or shoulder of Alabama Highway No. 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and at the aforesaid time and place the defendant did so negligently fail to exhibit warning devices so as to warn oncoming traffic of the disabled condition of his motor truck and then and there at that time the plaintiff, Franklin Levi Buzbee, the agent, servant or employee of defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so negligently operate a motor vehicle on Alabama Highway No. 59 at the aforesaid time and place as to cause his vehicle to run into, upon or against the plaintiff's automobile which was his property, and as a direct and proximate result of the aforesaid negligence of the defendants, operators and owners of the aforesaid motor truck in failing to warn traffic, the plaintiff's automobile was badly bent, broken, suffered a loss of value and otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

FILED

DEC 3 1969

ALICE J. DUCK CLERK
REGISTER

Handwritten: J. P. D. McDonald

Plaintiff respectfully demands trial by jury.

Handwritten signature: R. E. McDonald, Jr.
ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Please serve the defendants as follows:

Franklin Levi Buzbee, a minor, by serving his father,
Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Paul S. Martell, at:
General Delivery
Robertsdale, Alabama

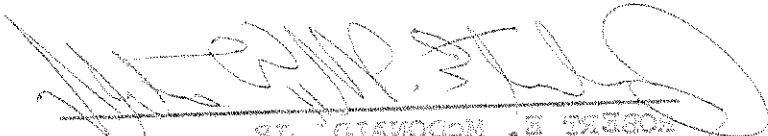
FILED

DEC 3 1969

W. J. DUCK CLERK
REGISTER

Paul H. Spauld

Plaintiff respectfully demands trial by jury.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Please serve the defendants as follows:

Franklin Levi Buebee, a minor, by serving his father,
Frank Buebee, at:
Route 1, Box 318
Daphne, Alabama

~~Frank Buebee, at:~~
~~Route 1, Box 318~~
~~Daphne, Alabama~~
Paul E. Karsell, at:
General Delivery
Robertsdale, Alabama

FILED

DEC 8 1963

CLERK OF DISTRICT COURT
SOUTHERN DISTRICT OF ALABAMA

FREDERICK G. ALLUMS, JR.,

Plaintiff,

Vs.

FRANKLIN LEVI BUZBEE, FRANK
BUZBEE, and PAUL S. MARTELL,

and JOHN DOE, whose name is
otherwise unknown at this time
but will be added when ascertained,
and JAMES DOE, whose name is
otherwise unknown at this time
but will be substituted when
ascertained, and XYZ COMPANY,
whether or not incorporated,
and its partners if an unincorp-
orated association whose name is
otherwise unknown at this time
but will be added when ascertained,
and ABC, INC., a corporation
whose name is otherwise unknown
but will be substituted when
ascertained, jointly and severally,

Defendants.

) IN THE CIRCUIT COURT
) OF BALDWIN COUNTY, ALABAMA

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CASE NO. 902-1

COUNT ONE

Plaintiff claims of the defendants, jointly and severally,
the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages,
for that heretofore, on to-wit, December 5, 1968, the defendant,
Franklin Levi Buzbee, the agent, servant or employee of defendants,
Frank Buzbee, John Doe and Paul S. Martell, while acting within the
line and scope of his authority did so negligently operate a motor
vehicle on Alabama Highway No. 59 at a point approximately 0.9 miles
south of the aforesaid Alabama Highway No. 59's intersection with
U. S. Highway 31, the aforesaid Alabama Highway No. 59, being a
public road in the County of Baldwin, State of Alabama, as to cause
his said vehicle to run into, upon or against the plaintiff's auto-
mobile which was his property and as a direct and proximate result
of the aforesaid negligence of the defendants, plaintiff's automobile

was badly bent, broken, suffered a loss of value and otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.

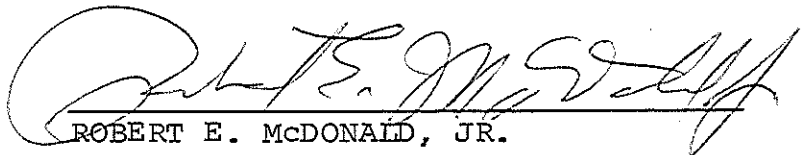
COUNT TWO

Plaintiff claims of the defendants, jointly and severally, the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, Franklin Levi Buzbee, the agent, servant or employee of the defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so wantonly or willfully damage the plaintiff's automobile by causing an automobile to run upon, into or against plaintiff's automobile which was located on Alabama Highway 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and as a proximate result plaintiff was damaged as follows: His automobile was badly bent, broken and otherwise damaged and suffered a loss of value. Plaintiff also claims punitive damages. Hence plaintiff brings this suit and asks judgment in the above amount.

COUNT THREE

Plaintiff claims of the defendants, jointly and severally, the sum of ONE THOUSAND AND NO/100 (\$1,000.00) DOLLARS, damages, for that heretofore, on to-wit, December 5, 1968, the defendant, James Doe, whose name is otherwise unknown at this time but will be substituted when ascertained, the agent, servant or employee of Richard Roe, or XYZ Company, an unincorporated association of

partners and their partners whose names are otherwise unknown at this time but will be substituted when ascertained, or ABC, Inc., a corporation whose name is otherwise unknown at this time but will be substituted when ascertained, while acting within the line and scope of his authority, was in the custody and control of a motor truck which had been disabled and was stopped on the roadway or shoulder of Alabama Highway No. 59, a public highway in the State of Alabama, County of Baldwin, at a point approximately 0.9 miles south of the aforesaid Alabama Highway No. 59's intersection with U. S. Highway No. 31, and at the aforesaid time and place the defendant did so negligently fail to exhibit warning devices so as to warn oncoming traffic of the disabled condition of his motor truck and then and there at that time the plaintiff, Franklin Levi Buzbee, the agent, servant or employee of defendants, Frank Buzbee, John Doe and Paul S. Martell, while acting within the line and scope of his authority did so negligently operate a motor vehicle on Alabama Highway No. 59 at the aforesaid time and place as to cause his vehicle to run into, upon or against the plaintiff's automobile which was his property, and as a direct and proximate result of the aforesaid negligence of the defendants, operators and owners of the aforesaid motor truck in failing to warn traffic, the plaintiff's automobile was badly bent, broken, suffered a loss of value and otherwise damaged, hence plaintiff brings this suit and asks judgment in the above amount.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

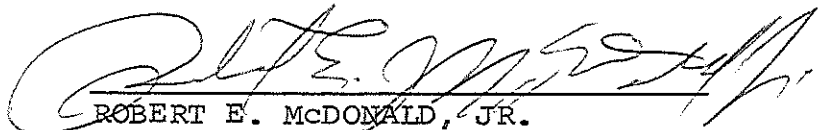
FILED

DEC 8 1969

VOL 68 ^{THU} 82

ALICE J. DUCK CLERK
REGISTER

Plaintiff respectfully demands trial by jury.


ROBERT E. McDONALD, JR.
Attorney for Plaintiff

Please serve the defendants as follows:

Franklin Levi Buzbee, a minor, by serving his father,
Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Frank Buzbee, at:
Route 1, Box 318
Daphne, Alabama

Paul S. Martell, at:
General Delivery
Robertsdale, Alabama

FILED

DEC 3 1969

ALICE J. DUCK CLERK
REGISTER

VOL 68 ^{CHUC} 83

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 9021

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon FRANKLIN LEVI BUZBEE, FRANK BUZBEE & PAUL S. MARTELL

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 FRANKLIN LEVI BUZBEE

ET ALS Defendant.....

by FREDERICK G. ALLUMS, JR.

..... Plaintiff.....

Witness my hand this 3rd day of December 1969

Alice J. White Clerk

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

FREDERICK G. ALLUMS, JR.

Plaintiffs

vs.

FRANKLIN LEVI BUZBEE, ET AL

Defendants

SUMMONS AND COMPLAINT

Filed December 3, 1969

Alice J. Duck Clerk

Robert E. McDonald, Jr.

Plaintiff's Attorney

Defendant's Attorney

VOL 68 PAGE 85

Defendant lives at

Dec 3 - 1969

Received In Office

19.....

Sheriff

I have executed this summons

this 5 Dec 69

by leaving a copy with

(Franklin Levi Buzbee
his son, 2567
Jacks Frank Buzbee)

~~Paul D. McDonald~~

~~Not Found~~

~~Thompson Lines Co~~

~~Mobile, AL~~

W. C. Crook

Not found as
to Paul D. McDonald

W. C. Crook Sheriff

Sheriff's claim 88 Deputy Sheriff

Ten Cents per mile Total \$ TAYLOR WILKINS, Sheriff

BY DEPUTY SHERIFF