

OWENS & PATTON
ATTORNEYS AT LAW

April 28, 1970

J. CONNOR OWENS, JR.
DAHLBERG BUILDING
P. O. BOX 729
BAY MINETTE, ALABAMA 36507
TELEPHONE NO. 937-4661
AREA CODE 205

WALTER S. PATTON, III
302 DE LA MARE STREET
FAIRHOPE, ALABAMA 36532
TELEPHONE NO. 928-9881
AREA CODE 205

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

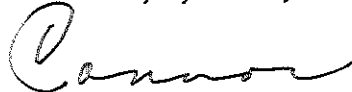
Subject: James D. Lewis vs. Rex Holman Dease
Case No. 9130
Cora Lewis vs. Rex Holman Dease
Case No. 9131

Dear Mrs. Duck:

In the above styled cases, please enter
my appearance for the defendant.

Thank you for your aid and consideration
in this matter.

Sincerely yours,



J. Connor Owens, Jr.

JCO:am

FILED

APR 29 1970

ALICE J. DUCK CLERK
REGISTER

CORA LEWIS,	§	IN THE CIRCUIT COURT OF
PLAINTIFF,	§	BALDWIN COUNTY, ALABAMA
VS.	§	AT LAW
REX HILMAN DEASE,	§	
DEFENDANT.	§	CASE NO. 9131

DEMURRER TO COMPLAINT

Comes now the Defendant, REX HILMAN DEASE, and demurs to the Plaintiff's Complaint herein, and to each count thereof, separately and severally, on the following separate and several grounds, to-wit:

1. Sufficient facts are not alleged therein to state a cause of action.

2. Sufficient facts are not alleged therein to state a claim upon which relief can be granted.

3. The allegations set forth therein are vague, uncertain and indefinite.

4. The allegations set forth therein are mere conclusions of the pleader unsupported by sufficient averments of fact.

5. For aught appearing therein, said Defendant owed no legal duty to the Plaintiff at the time and place complained of.

6. Sufficient facts are not alleged therein to show the existence of any legal duty owing from the Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

7. For aught appearing therein, said Defendant did not breach any legal duty owed by said Defendant to the Plaintiff at the time and place complained of therein.

8. Sufficient facts are not alleged therein to show a sufficient causal connection between the Plaintiff's injuries and damages complained of therein and the breach of any legal duty owing by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

9. Sufficient facts are not alleged therein to show as a matter of law that said Defendant breached a legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein in then and there so wantonly operating said motor vehicle as alleged therein.

10. The allegations set forth therein charge said Defendant with a higher degree of care to the Plaintiff at the time and place and with respect to the matters and things complained of therein than is imposed upon said Defendant by law.

11. The quo modo of the alleged negligence on the part of the said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of actionable negligence at the time and place and with respect to the matters and things complained of therein.

12. The quo modo of the alleged breach of legal duty on the part of said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of the breach of any legal duty owed by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

13. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant was wanton at the time and place complained of.

14. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant breached any legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein.

15. For aught appearing therein Plaintiff's injuries and damages complained of therein were proximately caused by an act for which said Defendant was in no way legally responsible or liable to the Plaintiff at the time and place complained of therein.

16. Sufficient facts are not alleged therein to show as a matter of law that the Plaintiff's injuries and damages complained of were proximately caused by an act for which said Defendant was legally responsible or liable to the Plaintiff at the time and place complained of therein.

17. For that wantonness therein alleged is a mere conclusion of the pleader.

18. For that said count does not affirmatively set forth a statement of fact showing wantonness; wantonness being alleged as a mere conclusion of the pleader.

19. For that it does not appear that said Defendant wantonly injured the Plaintiff.

20. For that no facts are set forth showing that said Defendant wantonly injured the Plaintiff.

21. For that it affirmatively appears that said Plaintiff was not wantonly injured or damaged.

22. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations.

23. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations of one year.

24. The allegations set forth therein to the effect that said Defendant "so wanton negligently operated an automobile" does not sufficiently charge said Defendant with the breach of any legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein.

25. The allegations therein to the effect that said Defendant "so wanton negligently operated an automobile" are so vague, uncertain and indefinite that said Defendant is not sufficiently apprised of what he is called upon to defend against in this cause.

26. The allegations therein to the effect that said Defendant is guilty of "wanton negligence" is a mere conclusion of the pleader unsupported by sufficient averments of facts.

HOLBERG, TULLY AND HODNETTE
Attorneys for Defendant

By: Jack W. Morgan

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17
day of March, 1970, served a copy of
the foregoing pleading on counsel for all parties
in this proceeding by mailing the same by
United States mail, properly addressed and
first class postage prepaid.

HOLBERG, TULLY & HODNETTE
By: Jack W. Morgan

FILED

MAR 18 1970

9131

CORA LEWIS,	:	IN THE CIRCUIT COURT OF
PLAINTIFF,	:	BALDWIN COUNTY, ALABAMA
VS.	:	AT LAW
REX HILMAN DEASE,	:	
DEFENDANT.	:	CASE NO:

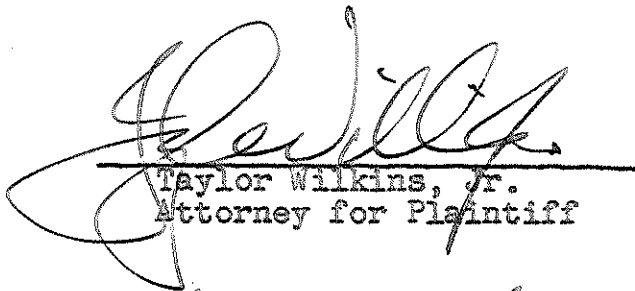
COUNT ONE

Plaintiff claims of the defendant FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there riding as a passenger in an automobile on said public road, and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered a severe injury to her head resulting in permanent damage and disability, she incurred medical expenses for the treatment of her injuries, she suffered profound shock; she suffered multiple lacerations; she suffered and continues to suffer great mental anguish and physical pain; all to plaintiff's damages aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of the defendant FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so wanton negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there riding as a passenger in an automobile on said public

road, and as a proximate result of the wanton negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered a severe injury to her head resulting in permanent damage and disability, she incurred medical expenses for the treatment of her injuries, she suffered profound shock; she suffered multiple lacerations; she suffered and continues to suffer great mental anguish and physical pain; all to plaintiff's damage as aforesaid, hence this suit.

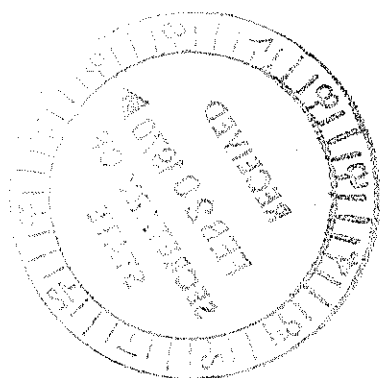

Taylor Wilkins, Jr.
Attorney for Plaintiff

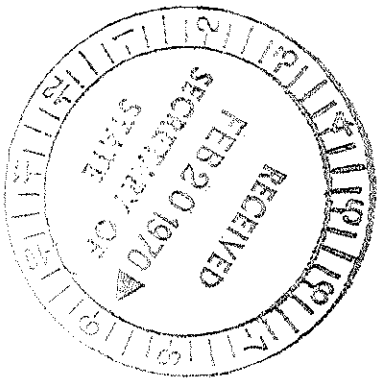
*Plaintiff respectfully demands that
he pay
Taylor Wilkins, Jr.*

FILED

FEB 18 1970

ALICE J. BOWEN





RECEIVED
FEB 20 1970
LIFE

Handwritten signatures and notes:
Robert F. Kennedy
LIFE
RECEIVED FOR PRESIDENT
JAN 20 1970

stomach, hence the name.

man's stomach and the way he eats. It is a very important part of the human body. The stomach is a large organ that is responsible for the digestion of food. It is located in the upper part of the abdomen. The stomach is a muscular organ that is able to contract and relax. It is also able to secrete enzymes and acids that help to break down food. The stomach is a very important part of the human body and it is essential for the survival of the human race.

SUMMONS AND COMPLAINT

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 SummonRex Hilman Dease.....

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.....

.....Rex Hilman Dease....., Defendant.....

byCora Lewis.....

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

Witness my hand this.....18.....day of.....February.....19..70

.....*Cliff Duck*..... Clerk

No. 9130

Page.....

THE 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

Recieved In Office

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Sheriff

Deputy Sheriff

CORA LEWIS, : IN THE CIRCUIT COURT OF
PLAINTIFF, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
REX HILMAN DEASE, :
DEFENDANT. : CASE NO: 9131

STATE OF ALABAMA

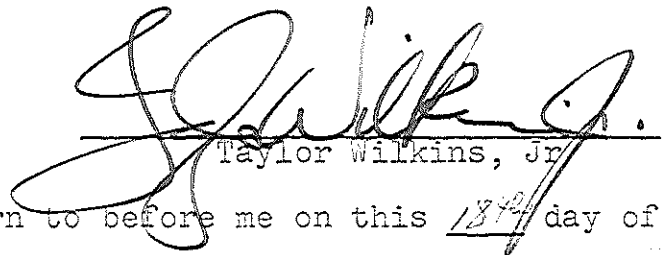
AFFIDAVIT

BALDWIN COUNTY

Comes now Taylor Wilkins, Jr., attorney of record for the Plaintiff in this cause, being duly sworn on oath, deposes and says:

That in the belief of such affiant defendant, Rex Hilman Dease, the operator of the vehicle referred to in the complaint, is a non-resident of the State of Alabama, residing at 8230 Lawton Road, Pensacola, Florida, and that the defendant was a non-resident at the time of the accident made the basis of this suit and that the sheriff of Baldwin County nor any sheriff of the State of Alabama can serve process upon him in this cause; that to the best of affiant's knowledge, information and belief the P. O. Box address of said defendant is as follows: 8230 Lawton Road, Pensacola, Florida.

The plaintiff request that process shall be issued as provided for by Title 7, Section 199 of the Code of Alabama, 1940 as recompiled in 1958.


Taylor Wilkins, Jr.

Subscribed and sworn to before me on this 18th day of February, 1970.


Notary Public

FILED

FEB 18 1970

ALICE J. BUCK CLERK
REGISTER

CORA LEWIS,	:	IN THE CIRCUIT COURT OF
PLAINTIFF,	:	BALDWIN COUNTY, ALABAMA
VS.	:	AT LAW
REX HILMAN DEASE,	:	
DEFENDANT.	:	CASE NO:

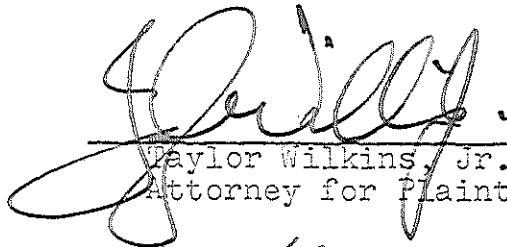
COUNT ONE


Plaintiff claims of the defendant FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there riding as a passenger in an automobile on said public road, and as a proximate result of the negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered a severe injury to her head resulting in permanent damage and disability, she incurred medical expenses for the treatment of her injuries, she suffered profound shock; she suffered multiple lacerations; she suffered and continues to suffer great mental anguish and physical pain; all to plaintiff's damages aforesaid, hence this suit.

COUNT TWO

Plaintiff claims of the defendant FIFTY THOUSAND and NO/100 (\$50,000.00) DOLLARS as damages for that heretofore and on, to-wit, February 2, 1969, defendant, Rex Hilman Dease, so wanton negligently operated an automobile on a public road in the County of Baldwin, State of Alabama, known as U. S. Highway No. 90, at or near a point approximately 5.7 miles east of Spanish Fort, Alabama, on said public road, that the said automobile of the defendant then and there collided with the plaintiff who was then and there riding as a passenger in an automobile on said public

road, and as a proximate result of the wanton negligence of the defendant as aforesaid, plaintiff was made sick, sore and lame, she suffered a severe injury to her head resulting in permanent damage and disability, she incurred medical expenses for the treatment of her injuries, she suffered profound shock; she suffered multiple lacerations; she suffered and continues to suffer great mental anguish and physical pain; all to plaintiff's damage as aforesaid, hence this suit.


Taylor Wilkins, Jr.
Attorney for Plaintiff

*Plaintiff demands trial of this cause
by a jury -*


FILED

FEB 18 1970

ALICE J. ORR

SUMMONS AND COMPLAINT

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 Rex Hilman Dease

.....
.....
.....
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.....

..... Rex Hilman Dease Defendant.....

by Cora Lewis

..... Plaintiff.....

Witness my hand this..... 18 day of..... February 19..... 70

..... Alice Duck Clerk

E4 2-20-70

No. 9131

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

CORA LEWIS

Plaintiffs

vs.

REX HILMAN DEASE

Defendants

SUMMONS AND COMPLAINT

Filed FEB 18 1970 19.....

ALICE J. DUCK CLERK
REGISTER

Defendants address is:
8230 Lawton Road
Pensacola, Florida

Taylor Welkin Jr.
Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED IN OFFICE

Recieved In Office

FEB 20 1970

M. S. BUTLER, Sheriff

19.....

Sheriff

I have executed this summons

this 19.....

by leaving a copy with

Presented by serving 3 copies of
the within on Mable Amos
Secretary of State of The State of
Alabama.

This the 20 day of Feb. 1970

Sheriff of Montgomery County

M. S. Butler,

By W. L. Moore D. S.

M. S. Butler, Sheriff of Montgomery
County, Alabama, Claim \$1.50 each for
serving 1 process(es) and \$1.00

travel expense on each of 1
process(es) of a total of \$2.50 Sheriff

W. L. Moore Deputy Sheriff
Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

CORA LEWIS,
PLAINTIFF,
VS.
REX HILMAN DEASE,
DEFENDANT.

§ IN THE CIRCUIT COURT OF
§ BALDWIN COUNTY, ALABAMA
§ AT LAW
§
§ CASE NO. 9131

DEMURRER TO COMPLAINT

Comes now the Defendant, REX HILMAN DEASE, and demurs to the Plaintiff's Complaint herein, and to each count thereof, separately and severally, on the following separate and several grounds, to-wit:

1. Sufficient facts are not alleged therein to state a cause of action.

2. Sufficient facts are not alleged therein to state a claim upon which relief can be granted.

3. The allegations set forth therein are vague, uncertain and indefinite.

4. The allegations set forth therein are mere conclusions of the pleader unsupported by sufficient averments of fact.

5. For aught appearing therein, said Defendant owed no legal duty to the Plaintiff at the time and place complained of.

6. Sufficient facts are not alleged therein to show the existence of any legal duty owing from the Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

7. For aught appearing therein, said Defendant did not breach any legal duty owed by said Defendant to the Plaintiff at the time and place complained of therein.

8. Sufficient facts are not alleged therein to show a sufficient causal connection between the Plaintiff's injuries and damages complained of therein and the breach of any legal duty owing by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

9. Sufficient facts are not alleged therein to show as a matter of law that said Defendant breached a legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein in then and there so wantonly operating said motor vehicle as alleged therein.

10. The allegations set forth therein charge said Defendant with a higher degree of care to the Plaintiff at the time and place and with respect to the matters and things complained of therein than is imposed upon said Defendant by law.

11. The quo modo of the alleged negligence on the part of the said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of actionable negligence at the time and place and with respect to the matters and things complained of therein.

12. The quo modo of the alleged breach of legal duty on the part of said Defendant charged therein is not sufficient to show as a matter of law that said Defendant was guilty of the breach of any legal duty owed by said Defendant to the Plaintiff at the time and place and with respect to the matters and things complained of therein.

13. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant was wanton at the time and place complained of.

14. It does not sufficiently appear from the allegations set forth therein how and in what respect said Defendant breached any legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein.

15. For aught appearing therein Plaintiff's injuries and damages complained of therein were proximately caused by an act for which said Defendant was in no way legally responsible or liable to the Plaintiff at the time and place complained of therein.

16. Sufficient facts are not alleged therein to show as a matter of law that the Plaintiff's injuries and damages complained of were proximately caused by an act for which said Defendant was legally responsible or liable to the Plaintiff at the time and place complained of therein.

17. For that wantonness therein alleged is a mere conclusion of the pleader.

18. For that said count does not affirmatively set forth a statement of fact showing wantonness; wantonness being alleged as a mere conclusion of the pleader.

19. For that it does not appear that said Defendant wantonly injured the Plaintiff.

20. For that no facts are set forth showing that said Defendant wantonly injured the Plaintiff.

21. For that it affirmatively appears that said Plaintiff was not wantonly injured or damaged.

22. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations.

23. For that it affirmatively appears that Plaintiff's alleged cause of action is barred by the statute of limitations of one year.

24. The allegations set forth therein to the effect that said Defendant "so wanton negligently operated an automobile" does not sufficiently charge said Defendant with the breach of any legal duty owing by said Defendant to the Plaintiff at the time and place complained of therein.

25. The allegations therein to the effect that said Defendant "so wanton negligently operated an automobile" are so vague, uncertain and indefinite that said Defendant is not sufficiently apprised of what he is called to defend against in this cause.

26. The allegations therein to the effect that said Defendant is guilty of "wanton negligence" is a mere conclusion of the pleader unsupported by sufficient averments of facts.

HOLBERG, TULLY AND HODNETTE
Attorneys for Defendant

By: Jack W. Morgan

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 17
day of March, 1970, served a copy of
the foregoing pleading on counsel for all parties
to this proceeding by mailing the same by
United States mail, properly addressed and
first class postage prepaid.

HOLBERG, TULLY & HODNETTE
By: Jack W. Morgan

FILED

MAR 18 1970

ALICE J. DUCK CLERK
REGISTER