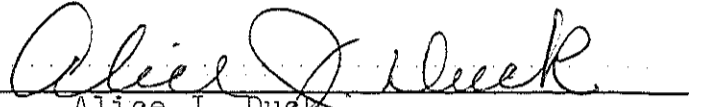


STATE OF ALABAMA)
BALDWIN COUNTY)

To any sheriff of the State of Alabama

You are hereby commanded to summon HERMAN LOWERY to appear within thirty days from the service of this writ in the Circuit Court of Baldwin County, to be held for said County at the place of holding the same, then and there to answer the complaint of THOMAS WALLACE KENNEDY.

Witness my hand this the 12 day of March, 1970.


Alice J. Duck
Circuit Clerk

THOMAS WALLACE KENNEDY,) IN THE CIRCUIT COURT OF
Plaintiff,) BALDWIN COUNTY, ALABAMA
vs.) AT LAW, NO. 9166
HERMAN LOWERY,)
Defendant.)

Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) damages for an assault and battery committed by the Defendant on the Plaintiff, viz: On, to-wit: the 12th day of March, 1969. And as a proximate consequence of this assault and battery committed on the Plaintiff, the Plaintiff specifically claims compensatory damages as follows, to-wit: The Plaintiff suffered injuries to his head, body and limbs; his left arm was severely cut and the muscles, nerves and ligaments of his left arm were torn, lacerated, bruised and contused; his stomach and urinary bladder were cut and lacerated and his urinary bladder became infected; he was caused to lose a great deal of time from his work; his capacity to work and earn money has been permanently impaired; he has been made to incur considerable medical expenses in and about his efforts to heal and cure himself; he was caused to suffer physical pain and mental anguish and will be made to

Attorney for Plaintiff

[Signature]
Attorney for Plaintiff

FILED

MAR 12 1970

ALICE J. DUCK CLERK
REGISTER

9/66

Thomas Wallace
Kennedy

vs.

Herman Lowery
S'dall

NEAR S'dale School

Sheriff's Office
Run Cents per mile Total \$6.00 miles 60
BY TAYLOR WILKINS, Sheriff
Deputy Sheriff

Secured 12 day of March 70
and on 20 day of March 70
I served a copy of the within D.C.
on Herman Lowery

By service on

TAYLOR WILKINS, Sheriff

By H. H. Brown, D.C.
60 miles R.T.
S. Dale

FILED

MAR 12 1970

ALICE J. DICK CLERK
REGISTER

C. G. Chasen

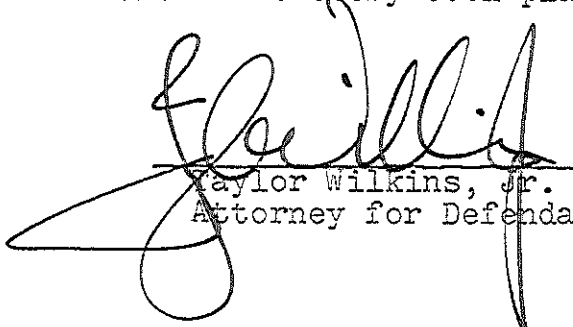
THOMAS WALLACE KENNEDY, : IN THE CIRCUIT COURT OF
PLAINTIFF, : BALDWIN COUNTY, ALABAMA
VS. : AT LAW
HERMAN LOWERY, :
DEFENDANT. : CASE NO: 9166

D E M U R R E R

Comes now the defendant, Herman Lowery, and files this demurrer to the plaintiff's complaint and sets down and assigns the following grounds separately and severally:

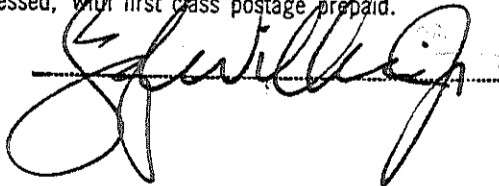
1. The plaintiff has failed to state a cause of action in his complaint.

2. The plaintiff has failed to sufficiently allege the place where the alleged assault and battery took place.


Taylor Wilkins, Jr.
Attorney for Defendant

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 13 day of April, 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, with first class postage prepaid.



FILED

APR 13 1970

ALICE J. DUCK CLERK
REGISTER

3916

6/10/73
TAYLOR D. WILKINS, JR.

ATTORNEY AT LAW
P.O. Box 546 Court House Square
Telephone 937-7024
BAY MINETTE, ALABAMA 36507

June 26, 1973

Honorable Telfair J. Mashburn
Judge, 23th Judicial Circuit
Baldwin County Court House
Bay Minette, Alabama 36507

RE: Thomas W. Kennedy
vs
Herman Lowery
Case No. 9166

Dear Judge Mashburn:

In reference to the above case, please be advised this case was dismissed by the Plaintiff and the cost were to be taxed against the Plaintiff. Somehow, the cost were taxed against the Defendant and I would appreciate you re-taxing the cost, if possible.

By copy of this letter, I am advising Mrs. Eunice B. Blackmon of this matter.

As always, with highest personal regards, I am

Very truly yours,

Taylor Wilkins, Jr.

TWJr:sp

CC: Mrs. Eunice B. Blackmon

TAYLOR D. WILKINS, JR.
ATTORNEY AT LAW
P. O. BOX 546
BAY MINETTE, ALABAMA 36507



To Judge
Ref. Taped with Costs
on Docket Sheet
the Judge did not
change

Mrs. Eunice B. Blackmon
Clerk, Baldwin County Circuit Court
Bay Minette, Alabama 36507