

LAW OFFICES

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ROBERT T. CUNNINGHAM
RICHARD BOUNDS
ROBERT L. BYRD, JR.
WARREN L. HAMMOND, JR.

AREA CODE 205
TELEPHONE 438-6188

February 2, 1972

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

Re: Dorgan vs. Avritt
Case No. 9415

Dear Mrs. Blackmon:

Please dismiss these cases with prejudice and send the
cost bill to John Courtney, Esq., P. O. Box 253, Mobile, Alabama
36601.

Thank you.

Yours very truly,

CUNNINGHAM, BOUNDS & BYRD

Warren L. Hammond, Jr.

WARREN L. HAMMOND, JR.

WLHjr:jb

SIDNEY DORGAN, a minor 16)
years of age who sues by)
and through his father and)
next friend, MARION DORGAN,)

PLAINTIFF,)

-vs-)

ABRAHAM AVRITT, GEORGE AVRITT)
and A B C, a person, firm or)
corporation who was the owner)
or operator of the vehicle in-)
volved in the accident made the)
basis of this suit whose true)
legal name or names is otherwise)
unknown to the Plaintiff at this)
time but will be added by amend-)
ment when ascertained, indivi-)
dually and jointly,)

DEFENDANTS.)

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

CASE NO. 9415

COUNT ONE

Plaintiff claims of the Defendants the sum of TWENTY-FIVE THOUSAND (\$25,000.00) DOLLARS, damages, for that heretofore and on, to-wit, June 20, 1970, the Defendant, Abraham Avritt, an agent, servant or employee of the Defendant, George Avritt, while acting within the line and scope of his authority as such, wantonly injured the Plaintiff by so wantonly operating a motor vehicle on Baldwin County Road Number 1, at a point thereon, to-wit, .1 miles west of its intersection with Mary Ann Beach Road, said roads being public roads in Baldwin County, Alabama, as to cause the same to leave the road and strike an embankment and power pole, and as a direct and proximate result of the wanton conduct of the Defendants as aforesaid, the Plaintiff who was then and there riding as a passenger in said motor vehicle was caused to suffer the following injuries and damages: he was

made sick, sore and lame; he suffered bruises and contusions over his head, face and body; his back was injured; he was permanently injured; he was caused to suffer severe physical pain and mental anguish, still so suffers and will so suffer in the future.

CUNNINGHAM, BOUNDS & BYRD
ATTORNEYS FOR PLAINTIFF

BY: *Richard Bounds*
RICHARD BOUNDS

Plaintiff demands a trial by jury.

Richard Bounds
RICHARD BOUNDS

Trial Attorney: Richard Bounds

Address of Defendants:

Abraham Avritt
P. O. Box 311
Ala. #1 East of Point Clear
Point Clear, Alabama
928-2918

George Avritt
P. O. Box 311
Ala. #1 East of Point Clear
Point Clear, Alabama
928-2918

FILED

AUG 3 1970

ALICE J. DUCK CLERK
REGISTER

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9413

.....TERM. 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Abraham Avritt and George Avritt.

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 Abraham Avritt,
George Avritt, et al Defendant.....

by Sidney Dorgan, a minor 16 years of age who sues by and through his father and
next friend, MARION DORGAN, Plaintiff.....

Witness my hand this 3rd day of August 1970

Alice J. Duck, Clerk

No. 9415

Page.....

THE STATE OF ALABAMA

BALDWIN COUNTY

CIRCUIT COURT

SIDNEY DORGAN, a minor 16 yrs of age
who sues by and through his father
and next friend, MARTON DORGAN

Plaintiffs

vs.

ABRAHAM AVRITT, GEORGE AVRITT

Defendants

SUMMONS AND COMPLAINT

Filed August 3, 1970

Alice J. Duck Clerk

Cunningham, Bounds & Byrd

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

August 3 1970

Taylor Wilkins Sheriff

I have executed this summons

this 7, Aug 1970

by leaving a copy with

Abraham Avritt,

George Avritt

Sheriff claims 180 miles

Ten Cents per mile Total \$ 18.00

TAYLOR WILKINS, Sheriff

BY W. C. Crisp

DEPUTY SHERIFF

Sheriff

W. C. Crisp Deputy Sheriff

Moore Printing Co. - Bay Minette, Ala.

VOL 68 PAGE 32

80 miles

SIDNEY DORGAN, a minor 16
years of age who sues by
and through his father and
next friend, MARION DORGAN,

Plaintiff,

VS.

ABRAHAM AVRITT, GEORGE AVRITT
and A B C, a person, firm or
corporation who was the owner
or operator of the vehicle in-
volved in the accident made the
basis of this suit whose true legal
name or names is otherwise un-
known to the Plaintiff at this
time but will be added by amend-
ment when ascertained, indivi-
dually and jointly,

Defendants.

IN THE CIRCUIT COURT

OF BALDWIN COUNTY,

ALABAMA

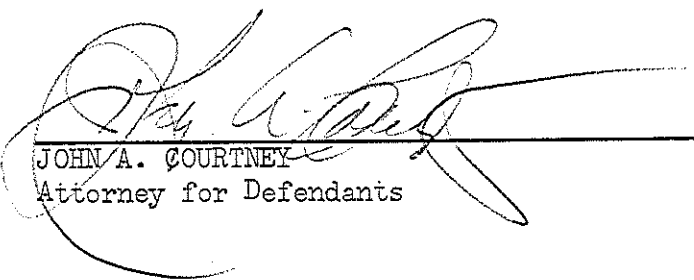
AT LAW

CASE NO. 9,415

DEMURRER

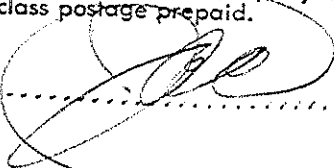
Come now the Defendants in the above styled cause and demur to the
Plaintiff's complaint and assign as grounds for said demurrer the following
separately and severally, to-wit:

1. Plaintiff's complaint does not state a cause of action against
these Defendants upon which relief can be granted.
2. The Plaintiff has failed to allege wantonness properly.
3. For aught appearing from the Plaintiff's complaint this Court has
no jurisdiction of this case.
4. For that the Plaintiff's complaint is so vague, uncertain and
indefinite as to fail to apprise these Defendants of what they are being
called upon to defend against.
5. For that there is no allegation of what the wantonness of the
Defendants consisted in.
6. The Plaintiff has failed to allege a wanton injury to the Plain-
tiff.


JOHN A. COURTNEY
Attorney for Defendants

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 26th
day of August, 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.


.....

FILED

AUG 28 1970

ALICE J. DUCK CLERK
REGISTER

JOHN A. COURTNEY
ATTORNEY AND COUNSELLOR AT LAW
SUITE 2208
FIRST NATIONAL BANK BUILDING
P. O. Box 253
MOBILE, ALABAMA 36601
AREA CODE 205 433-7448

October 7, 1971

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

Re: Dorgan Vs. Avritt
Case No. 9415

Dear Mrs. Blackmon:

By consent of counsel for the plaintiff and myself as counsel for the defendant, please set over and continue whatever may be coming up in the above captioned matter on October 15 and advise of the next setting date. It is quite possible that this simply is coming up on pleadings, but in view of the fact that I will be out of the country on that date, counsel has agreed to this set over. I will be looking forward to hearing from you as to a new date for what purpose. Thank you very kindly.

Very truly yours,

John A. Courtney

JAC/an

cc: Mr. Warren Hammond