

GLADYS BOOKER,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
THE TRADER GEORGE CLUB,	)	
INC., a corporation,	)	
Defendant.	)	CASE NO: 889571

D E M U R R E R

COMES NOW the Defendant in the above-styled cause, separately and severally, and demur to the Plaintiff's Complaint and each count thereof, separately and severally, and set down and assign the following, separate and several, grounds:

1. Said count fails to state a cause of action.
2. Said count fails to allege a cause of action upon which the relief prayed for may be granted.
3. Said count fails to allege the violation of any duty owed by the Defendant to the Plaintiff.
4. Said count fails to allege any duty owed by the Defendant to the Plaintiff.
5. For aught that appears from said count, the Defendant has breached no legal duty owing to the Plaintiff.
6. Said count fails to allege any causal connection between the alleged negligence of the Defendant and the alleged damages of the Plaintiff.
7. Said count fails to allege a breach of duty.
8. The place of the alleged accident is vague, uncertain and indefinite.
9. The place of the alleged accident is not alleged with sufficient certainty to apprise the Defendant of that against which it must defend.

10. Said count seeks to charge the quo modo, but the facts alleged are insufficient to constitute negligence as a matter of law.

11. For aught that appears from said count, the injuries and damages complained of are not the proximate result of any act or failure to act of the Defendant.

12. Said count attempts to join trespass and case in the same count.

13. The willfulness or wantonness complained of characterizes the act and not the injury.

14. Said count does not sufficiently describe the location of the alleged trespass.

15. The land allegedly trespassed upon is not alleged with sufficient certainty to apprise the Defendant of that against which it must defend.

15. For aught that appears from said count, the Defendant did not trespass upon the Plaintiff's land.

16. Said count alleges no facts to show that the Plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the Defendant.

17. Said count fails to allege any damages sustained by the Plaintiff.

LYONS, PIPES AND COOK  
Attorneys for the Defendant

**CERTIFICATE OF SERVICE**

I do hereby certify that I have on this 9th day of Feb, 1971, 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.

By: G. Sage Lyons

G. Sage Lyons

Cooper Thurber  
Cooper Thurber

VOL. 68 PAGE 377

FILED

FEB 10 1971

#9571

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA, AT IAW

CASE NO. 33315 - HOGAN

JURY

JOHN COLEMAN

GLADYS BOOKER

VS. Suit for \$25,000.00 damages for personal injuries  
(Pltff fell deft's place of business)

LYONS, PIPES & COOK  
BY: G. SAGE LYONS  
COOPER C. THURBER

THE TRADER GEORGE CLUB, INC., a Corporation

N.J.

PLEADINGS, ROCESS, ETC,

FILING DATE

1. Complaint and Summons

10-8-70

C & S served on Mrs. Ann Clikas on October 17, 1970.

2. Plea in Abatement

11-6-70

November 20, 1970 - Plea in Abatement sustained and case transferred to Baldwin County. /s/ Elwood H. Hogan 42-99

68 307 89

I, JOHN E. MANDEVILLE, in my capacity as Clerk of the Circuit Court of Mobile County, Alabama, hereby certify that the above is a true and correct transcript of all the minutes, orders and other proceedings in the above styled case in this Court.

In Witness whereof I have hereunto set my hand and attached my Official Seal as such Clerk of said Court at Mobile, Mobile County, Alabama, on this the 23rd day of November 1970.

*John E. Mandeville* Clerk

GLADYS BOOKER,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	MOBILE COUNTY, ALABAMA
VS.	)	AT LAW
THE TRADER GEORGE CLUB,	)	
INC., a corporation,	)	
Defendant	)	CASE NO. <u>33315</u>

COUNT ONE

Plaintiff claims of the Defendant the sum of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00) as damages, for that heretofore, on, to-wit; the 29th day of March, 1970, the Defendant operated and maintained a night club wherein Defendant held out certain items of food, goods, and wares, for sale to the public, said night club being known as Trader George's, located on the Battleship Parkway in the County of Baldwin, State of Alabama; that the Plaintiff did, on, to-wit; the 29th day of March, 1970, while the Defendant's said premises was open to the general public for sale of foods, goods, and merchandise, enter said premises for the purpose of making certain purchases therein; that at said time and place, to-wit; the 29th day of March, 1970, at said Defendant's premises, Defendant did negligently fail to light a step located on said premises between the dance floor and bar sufficiently to enable the Plaintiff to see said step; that the Defendant was negligent in not providing sufficient light to warn the Plaintiff, as well as other guest, of the step on said premises and as a proximate result of the negligence of the Defendant, the Plaintiff fell down said step of the Defendant at said time and place, and Plaintiff avers that the Plaintiff as a direct and proximate consequence thereof suffered serious and permanent injuries that to-wit; she suffered a fracture of the right ankle; she

was made sick and sore; she suffered other hurts and injuries about her body; her nervous system was shocked and impaired; she was caused to suffer much humiliation and embarrassment; she was permanently injured; she suffered and continues to suffer great mental and physical pain; she was caused to incur great medical expense in and about the treatment of the injuries and will incur medical expense in the future; she was completely disabled for a period of time; for all of which she claims damages aforesaid.

  
\_\_\_\_\_  
JOHN COLEMAN

Attorney for the Plaintiff

Plaintiff demands a trial by jury.

  
\_\_\_\_\_  
JOHN COLEMAN

Service may be had upon the Defendant Corporation by service upon its agent Mrs. Ann Clikas, Trader George's Club, Battleship Parkway, Baldwin County, Alabama.

**THE STATE OF ALABAMA**  
MOBILE COUNTY

**CIRCUIT COURT**

To Any Sheriff of the State of Alabama:

You are hereby commanded to summon

THE TRADER GEORGE CLUB, INC., A Corporation

to appear within thirty days from service of this process, in the Circuit Court of Mobile County, Alabama,  
at the place of holding the same, then and there to answer the complaint of

GLADYS BOOKER

WITNESS: John E. Mandeville, Clerk of said Court, this 8th day of October, 19 70

Attest:

*John E. Mandeville*

Clerk

**SHERIFF'S RETURN**

Received \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and on \_\_\_\_\_ day  
of \_\_\_\_\_, 19\_\_\_\_, I served a copy of  
the within \_\_\_\_\_ on \_\_\_\_\_

by service on \_\_\_\_\_

RAY D. BRIDGES, SHERIFF

By \_\_\_\_\_ D.S.

Mail No. 33315  
JUDGE JD DOCKET  
CIVIL DIVISION  
**CIRCUIT COURT**  
MOBILE COUNTY

Gladys Booker

VS. } Complaint and Summons

The Trader George Club, Inc.,  
etc.

Issued 8th day of October, 1970

Defendant's Address

SERVE: Mrs. Ann Clikas, Trader  
George's Club, Battleship Parkway,  
Baldwin County, Alabama

JOHN COLEMAN

EVOL 68 Plaintiff's Attorney

Received 10 day at Oct 1970  
and on 17 day of Oct. 1970  
I served a copy of the within 6 + 8  
on Mrs. Ann Clikas  
By service on TAYLOR W. K. (S) Sheriff  
By TAYLOR W. K. (S) Sheriff D.S.

Sheriff claiming 1.00 miles at  
Ten Cents per mile Total \$ 1.10  
BY TAYLOR W. K. (S) Sheriff  
DEPUTY SHERIFF

MOBILE County Kline

MOBILE COUNTY ALA.  
CLERK OF COURT  
JAN 13 1971

GLADYS BOOKER, ) IN THE CIRCUIT COURT OF  
Plaintiff, ) MOBILE COUNTY, ALABAMA  
Vs. ) AT LAW  
THE TRADER GEORGE CLUB, )  
INC., a corporation, )  
Defendant, ) CASE NO: 33,315 *g H*

PLEA IN ABATEMENT

COMES NOW Trader George Club, Inc., a corporation and without waiving process or notice of process or service of any of its rights and privileges and appears specially and not generally for the sole purpose of filing this Plea in Abatement, and prays the judgment of this Court that the Summons and Complaint against it in the above-styled cause be quashed and that the cause abated and dismissed for the reasons hereinafter set forth:

1. That the Complaint shows on its face that the tort complained of occurred on private property in Baldwin County, Alabama; that the Defendant Trader George Club, Inc. was and is a corporation, being incorporated as a social club in Alabama on the 26th day of March, 1959 with its registered office being located in Baldwin County, Alabama.


2. That the Defendant Trader George Club, Inc. is a domestic corporation of Alabama and that it does business now and at all times material hereto did business solely in Baldwin County, Alabama and that such corporation does no business by agent or otherwise in Mobile County, Alabama.

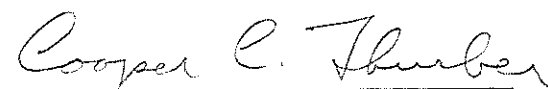
WHEREFORE, Defendant Trader George Club, Inc. shows unto the Court that this Honorable Court does not have jurisdiction in this cause and that venue in this case is improperly laid to the Circuit Court of Mobile County, Alabama; and the Defendant Trader George Club, Inc. prays that the said service or said



attempted service upon it be quashed and vacated and that this action be abated and that it be allowed to go hence with its costs in its behalf expended.

LYONS, PIPES AND COOK  
Attorneys for the Defendant

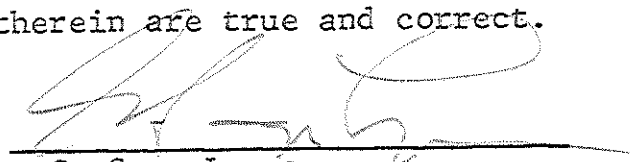
By:   
G. Sage Lyons

  
Cooper C. Thurber

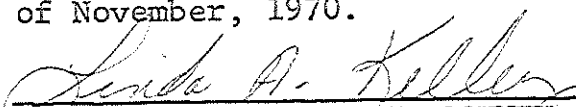
STATE OF ALABAMA

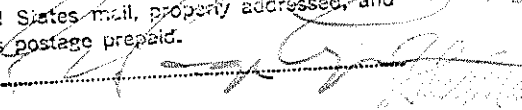
COUNTY OF MOBILE

Before me, the undersigned authority, a Notary Public in and for said State and County, personally appeared G. Sage Lyons, who being by me first duly sworn, deposes and says that he is one of the attorneys for the Defendant, Trader George Club, Inc., that he has read the above and foregoing Plea in Abatement and that he is informed and believes, and upon such information and belief, states that the matters set forth therein are true and correct.

  
G. Sage Lyons

Sworn to and subscribed before me on this the 5th day  
of November, 1970.

  
NOTARY PUBLIC, MOBILE COUNTY, ALABAMA

CERTIFICATE OF SERVICE STATE OF ALA. MOBILE CO.  
I do hereby certify that I have on this 5th day of November, 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 ON  
3 10 52 AM '70  
  
CLERK

FRIDAY, NOVEMBER 20, 1970

GLADYS BOOKER	)	
HOGAN      -vs-      33315	)	PLEA IN ABATEMENT SUSTAINED
THE TRADER GEORGE CLUB, INC.,	)	AND CASE TRANSFERRED TO
a Corporation	)	BALDWIN COUNTY

This day in open Court came the parties by their attorneys, and defendant's Plea in Abatement filed November 6, 1970, to the complaint in this cause, coming on to be heard and being argued by counsel and understood by the Court;

It is ordered and adjudged by the Court that defendant's said Plea in Abatement filed November 6, 1970, to the complaint in this cause be, and the same is hereby sustained, and case ordered transferred to the Circuit Court of Baldwin County, Alabama.

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STATE OF ALABAMA, }  
COUNTY OF MOBILE }

IN THE CIRCUIT COURT OF MOBILE COUNTY, ALABAMA

I, JOHN E. MANDEVILLE, Clerk of the Circuit Court of Mobile County, Alabama, do hereby  
certify that the foregoing is a full, true and correct copy of ORDER OF COURT


as rendered by the said Circuit Court on the 20th day of November, 19 70, in the cause  
entitled No. 33315 - GLADYS BOOKER

\_\_\_\_\_, Plaintiff,  
— versus — THE TRADER GEORGE CLUB, INC., a Corporation

Defendant, (~~Together with the cancellation thereof~~), as the same remains of record in this office in  
Minute Book No. 42, Page No. 99.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Court at office  
in the City of Mobile, Alabama, on this the 23rd day of November, 19 70.

ATTEST:

  
Clerk, Circuit Court, Mobile County, Alabama.

43-7-5M-6-70

**CIVIL DIVISION, CIRCUIT COURT, MOBILE COUNTY**

GLADYS BOCKER

Plaintiff

No. 33315

**VS.**

THE TRADER GEORGE CLUB, INC., a corporation

Defendant

(Act No. 740, Reg. Session Ala. Legislature 1957  
Appvd. Sept. 20, 1957)  
(Amend Sec. 21, Title 11, Code Ala. 1940)

## BILL OF COST

(Act No. 571, Reg. Ses. Leg. 1955)  
(Amend Sec. 84 and 100, Title 11, Code Ala. 1940)

[illegible]

I respectfully beg to advise that if this bill for costs is not paid before \_\_\_\_\_ 19\_\_\_\_\_, it will be my unpleasant duty to issue execution for same.

JOHN E. MANDEVILLE, Clerk

WILSON HAYES

LAWYER

P. O. BOX 300

BAY MINETTE, ALABAMA

36507

TELEPHONE 937-5506

October 20, 1971

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

Re: Booker v Trader George  
Case #9571

Dear Mrs. Blackmon:

Please dismiss this case with prejudice  
and send the cost bill to me.

With kind regards, I am

Yours very truly,

  
Wilson Hayes

WH/mm

LYONS, PIPES & COOK  
ATTORNEYS AT LAW  
2510 FIRST NATIONAL BANK BUILDING  
MOBILE, ALABAMA

JOSEPH H. LYONS (1900-1957)  
SAM W. PIPES  
WALTER M. COOK  
GORDON B. KAHN  
G. SAGE LYONS  
AUGUSTINE MEAHER, III  
JAMES B. KIERCE, JR.  
WESLEY PIPES  
NORTON W. BROOKER, JR.  
COOPER C. THURBER

36601

AREA CODE 205  
TEL. 432-4483  
P. O. DRAWER 2525

February 9, 1971

Honorable Alice J. Duck  
Clerk, Circuit Court of Baldwin County  
Baldwin County Courthouse  
Bay Minette, Alabama 36507

Re: Gladys Booker, Plaintiff vs.  
The Trader George Club, Inc., a  
corporation, Defendant  
Case No: 9571

Dear Mrs. Duck:

Enclosed please find Demurrer filed on behalf of the  
Defendant in the above referenced matter. We are  
enclosing an extra copy which we would appreciate  
your stamping the date and time filed and returning  
same to us in the enclosed self-addressed, stamped  
envelope.

Very truly yours,

LYONS, PIPES AND COOK

  
Cooper C. Thurber

CCT/lak

Enclosures

GLADYS BOOKER ) IN THE CIRCUIT COURT OF  
Plaintiff ) BALDWIN COUNTY, ALABAMA  
Vs. ) AT LAW  
THE TRADER GEORGE CLUB, )  
INC., a corporation )  
Defendant. ) CASE NO: 9571

## NOTICE OF DEPOSITION

TO: John Coleman, Esq.  
First National Bank Building  
Mobile, Alabama 36602

Please take notice that at 3:00 P.M. on the 3rd day of March, 1971 in the office of Lyons, Pipes and Cook situated at 2510 First National Bank Building, Mobile, Alabama, the Defendant will take the deposition of the Plaintiff, Gladys Booker, whose address is 3208 Cottage Hill Road, Mobile, Alabama upon oral examination pursuant to an Act of the Legislature of the State of Alabama, designed as Act No. 375, Regular Session 1955, Approved September 8, 1955, before HUBBARD AND WISE, an officer authorized to administer oaths in the County of Mobile, State of Alabama, duly authorized to take depositions and swear witnesses in said County, in said State. The oral examination will continue from day to day until completed and you are invited to attend and examine the witness.

LYONS, PIPES AND COOK  
Attorneys for Defendant

By: Cooper C. Thurber

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 11th day of February, 1971, served a copy of the foregoing Notice of Deposition on counsel for all parties to this proceeding by mailing the same by United States Mail, properly addressed, and first class postage prepaid.

Cooper C. Thurber

NOTE TO CLERK:

Please issue subpoena to Gladys Booker at the above address

to appear for her deposition on March 3, 1971 at 3:00 P.M.

  
Cooper C. Thurber




GLADYS BOOKER	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
Vs.	)	AT LAW
THE TRADER GEORGE CLUB, INC., a corporation	)	
Defendant.	)	CASE NO: 9571

NOTICE OF DEPOSITION

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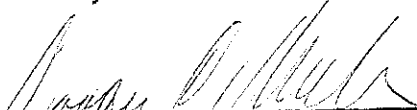
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LYONS, PIPES AND COOK  
Attorneys for Defendant

By:   
Cooper C. Thurber

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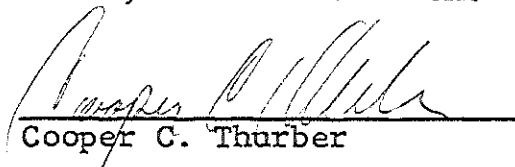
FILED

FEB 12 1971

EUNICE B. BLACKMON  
CLERK

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Cooper C. Thurber

FILED

FEB 12 1971

EUNICE B. BLACKMON CIRCUIT  
CLERK