Plaintiff) BALDWIN COUNTY,

VS.) ALABAMA

FANNIE R. EPHRIM) AT LAW

Defendant) CASE NO. 9419

COUNT ONE

The Plaintiff claims of the Defendant the sum of THREE THOUSAND DOLLARS, (\$3,000.00) as damages, for that heretofore, and on, to-wit: September 23, 1970, the Plaintiff, Robert Gerald Yorton, was driving his automobile along or upon a public highway in Baldwin County, Alabama, where he lawfully had a right to be, to-wit: on or upon U. S. Highway 98, in or close to the town of Daphne, Baldwin County, Alabama, and then and there the Defendant, Fannie R. Ephrim so negligently operated a motor vehicle, then and there as to cause said motor vehicle which she was operating and which was owned by the Defendant to run over, into, or against the Plaintiff's said automobile, and thereby and as a proximate result and consequence thereof, the Plaintiff's said automobile was demolished or greatly damaged or rendered less valuable, and the Plaintiff sustained sustained severe personal injuries, to-wit, his head, limbs, and body were lacerated, bruised and injured, he was internally injured, he suffered a severe and permanent back and head injury, he suffers and continues to suffer great mental anguish and physical pain, he was forced to incur considereable expense for medical treatment, hospital services, and the purchase of medicine and drugs in and about the treatment of his said injuries, hence this suit. Plaintiff avers that his injuries were proximately caused by the negligence of the said Fannie R. Ephrim in and about the negligent operation of the said motor vehicle at the time and place and on the occasion as aforesaid, and all for which Plaintiff claims damages.

COUNT TWO

The Plaintiff, Robert Gerald Yorton, claims of the Defendant the sum of THREE THOUSAND DOLLARS (\$3,000.00) as damages for that heretofore, and on, to-wit: September 23, 1970, the Plaintiff Robert Gerald Yorton, was driving his automobile along or upon a public highway in BALdwin County, Alabama, where he lawfully had a right to be, to-wit: on or upon United States Highway 98, in or close to the town of Daphne, Baldwin County, Alabama, and then and there the Defendant, Fannie R. Ephrim being conscious at the time that her conduct in so doing would probably result in disaster, wilfully or wantonly ran a motor vehicle into, over upon or against the Plaintiff's said automobile and Plaintiff avers that as a proximate and direct consequence thereof, he sustained wilful or wanton injuries in that the Plaintiff's said automobile was demolished or greatly damaged, or randered less valuable, and the Plaintiff sustained severe personal injuries in that, to-wit: his head, limbs and body were lacerated, bruised and injured, he was internally injured, he suffered a severe and permanent back and head injury, he suffers and continues to suffer great mental and physical pain, he was forced to incur considerable expense for medical treatment, hospital services and the purchase of medicine and drugs in and about the treatment of his said injuries, hence this suit:

Atty for Plaintiff

JESSE H. SLAUGHTER Atty for Plaintiff

Plaintiff respectfully demands a trial by jury.

Atty for Plaintiff

Defendant May Be Served At:

Fannie R. Ephrim Route 2, Box 337 Daohne, Alabama

DEC L 9 1970

ALIGE J. DEGK CLERK REGISTER

SUMMONS AND COMPLAINT

THE	STATE	OF	ALABAMA
	BALDWIN	COUNTY	

Circuit Court, Baldwin County

No. 9613	34	
TERM.	19	

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Lannie R. Ephrin
to appear and plead, answer or demur, within thirty days from the service hereof, to the complaint
Court of Baldwin County, State of Alabama, at Bay Minette against
Fannie R. Ephrine Defendant
by Robert Gerald yorkoin Plaintiff
Witness my hand this 19 day of 1970
Witness my hand this

No. 7415	
THE STATE OF ALABAMA BALDWIN COUNTY	Defendant lives at
DALDWIN COUNT I	
CIRCUIT COURT	Recieved In Office
Robert Gerald Jorlan	Dec 91 1970
Jannie R. Ephron	
Plaintiffs	I have executed this summons
vs.	this
1 September 1 Sept	by leaving a copy with
RT-Z Box 331 Pefendants	Gannie R. Ophrum
SUMMONS AND COMPLAINT	
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Filed	The Contract por mite Total \$ 5,90
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	DEPUTY SHERIFF
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w. Finch	
Plaintiff's Attorney	Sheriff
Definition Asset	D . 01 W
Defendant's Attorney	Deputy Sheriff
Addition to the second	Moore Printing Co Bay Minette, Ala.

WILSON HAYES

LAWYER

P. D. BOX 300

BAY MINETTE, ALABAMA

36507

February 3, 1971

TELEPHONE 937-5506

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

Re: Yorton V Ephrim

Case #9613

Dear Eunice:

Please file the enclosed demurrer.

With kind regards, I am

Yours very truly,

Wilson Hayes

WH/ms Enc. ROBERT GERALD YORTON IN THE CIRCUIT COURT OF
Plaintiff, IN BALDWIN COUNTY, ALABAMA
Vs. I AT LAW
FANNIE R. EPHRIM, I

Comes now Defendant in the above styled cause and demurs to the Complaint and to each Count thereof, separately and severally and assigns to each Count separately and severally the following separate and several demurs:

- 1. The Complaint does not state a cause of action.
- 2. The Complaint is vague, indefinite and uncertain.

NUMBER: 9613

- 3. Plaintiff's Complaint contains conclusions of the Plaintiff.
- 4. The statement "that Defendant, Fannie R. Ephrim, so negligently operated a motor vehicle, then and there as to cause said motor vehicle which she was operating and which was owned by Defendant to run over, into or against Plaintiff's said automobile" is a conclusion of the Plaintiff.
- 5. Plaintiff does not state the nature of the alleged negligence of Defendant.
- 6. Plaintiff does not state facts alleging willful or wanton conduct on the part of Defendant.

Attorney for Defendant

Defendant demands trial by Jury.

Defendant.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 3rd day of February , 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, with first class postage prepaid.

FILED

FEB 4 1971

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