

ROBERT KENNETH COOPER,	:	IN THE CIRCUIT COURT OF
PLAINTIFF,	:	BALDWIN COUNTY, ALABAMA
VS.	:	AT LAW
MYRON HENRY MINER,	:	CASE NO. 9622
DEFENDANT.	:	

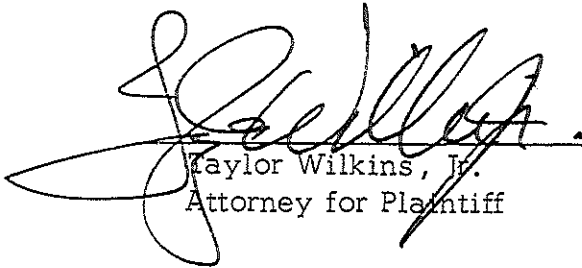
# COUNT ONE

Plaintiff claims of the defendant the sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS as damages for that heretofore and on, to-wit, March 30, 1970, Myron Henry Miner, defendant, so negligently operated an automobile on new U. S. Highway 98, or otherwise known as the Fairhope-Spanish Fort Highway, a public road in the County of Baldwin, State of Alabama, at a point, to-wit, at the intersection of Whispering Pine Road and said new U. S. Highway 98 or otherwise known as the Fairhope-Spanish Fort Highway, a public road in said County and said State, that the said automobile then and there collided with the Plaintiff's vehicle which the Plaintiff was then and there operating his automobile at the intersection of the above described highways, and as a proximate result of the negligence of the Defendant as aforesaid, Plaintiff was caused to suffer a laceration to his head, his automobile was severely damaged, and rendered less valuable for all of which the Plaintiff brings this suit.

# COUNT TWO

Plaintiff claims of the defendant the sum of FIVE HUNDRED AND NO/100 (\$500.00) DOLLARS as damages for that heretofore and on, to-wit, March 30, 1970, Myron Henry Miner, Defendant, so wantonly operated an automobile on new U. S. Highway 98, or otherwise known as the Fairhope-Spanish Fort Highway, a public road in the County of Baldwin, State of Alabama, at a point to-wit, at the intersection of Whispering Pine Road and said new U. S. Highway 98 or otherwise known as the Fairhope-Spanish Fort Highway, a public road in said County and said State, that the said automobile then and there collided

with the Plaintiff's vehicle which the Plaintiff was then and there operating his automobile at the intersection of the above described highways , and as a proximate result of the wanton conduct of the Defendant as aforesaid, Plaintiff was caused to suffer a laceration to his head, his automobile was severely damaged, and rendered less valuable for all of which the Plaintiff brings this suit.

  
Taylor Wilkins, Jr.  
Attorney for Plaintiff

FILED

DEC 29 1970

ALICE J. DUCK

CLERK  
REGISTER

SUMMONS AND COMPLAINT

Moore Printing Co. - Bay Minette, Ala.

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 ..... MYRON HENRY MINER

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.....

MYRON HENRY MINER  
....., Defendant.....

by ROBERT KENNETH COOPER  
.....

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

Witness my hand this..... 29 ..... day of..... 1970

*Alice J. [Signature]*  
....., Clerk

61-7-71

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STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

ROBERT KENNETH COOPER

Plaintiffs

vs.

MYRON HENRY MINOR 8-9987

Defendants

SUMMONS AND COMPLAINT

Filed DEC 29 1970 19.....

ALICE J. DUCK

CLERK  
REGISTER

Clerk

TAYLOR WILKINS, JR.

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

121 Fairhope Avenue

Fairhope, Alabama

Received In Office

Dec 29 1970

Taylor Wilkins Sheriff

I have executed this summons

this 7 Jan 1971

by leaving a copy with

Myron Henry Minor

20  
Sheriff's Office

Ten Cents per mile Total \$ 2.00

TAYLOR WILKINS, Sheriff

W. G. Cook  
DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. G. Cook Deputy Sheriff

COLLINS, GALLOWAY & MURPHY

ATTORNEYS AT LAW

958 DAUPHIN STREET

MOBILE, ALABAMA 36604

FRED G. COLLINS  
THOMAS M. GALLOWAY  
M. THOMAS MURPHY (1924-1956)

ROBERT H. SMITH  
WILSON M. HAWKINS, JR.

January 27, 1971

P. O. Box 4492  
TELEPHONE  
432-0568  
AREA CODE 205

Mrs. Alice J. Duck  
Clerk, Circuit Court  
Baldwin County Court House  
Bay Minette, Alabama

Re: Robert Kenneth Cooper  
vs: Myron Henry Miner  
Case No. 9622

Dear Mrs. Duck:

We have served a copy of these demurrers on Hon. Taylor Wilkins, Jr., attorney for plaintiff. We would appreciate you marking these demurrers filed and noting our appearance for the defendant.

Sincerely yours,

COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins

FGC/brm

Encl.

ROBERT KENNETH COOPER : IN THE CIRCUIT COURT OF  
Plaintiff, : BALDWIN COUNTY, ALABAMA  
VS: : AT LAW  
MYRON HENRY MINER, :  
Defendant : CASE NO. 9 6 2 2

Comes now the defendant in the above entitled cause and demurs to the complaint heretofore filed and to each and every count thereof, separately and severally, and as grounds for said demurrer sets down and assigns to the complaint and to each and every count thereof, separately and severally, the following separate and several grounds, to-wit:

1. Said count fails to state a cause of action.
2. It does not appear from any allegations in said count that the plaintiff was operating an automobile on a public highway, thus creating any legal duty owed by this defendant to the plaintiff which was breached to the plaintiff's injury.
3. It does not appear from any allegations in said count that the alleged wanton conduct on the part of this defendant resulted in any wanton injury to the plaintiff.
4. For that said count does not contain any allegations to establish wanton conduct.
5. For that said count alleges a wanton conduct on this defendant, but does not allege a wanton injury was thereby inflicted upon the plaintiff.
6. It does not appear from any allegations in said count that the plaintiff was wantonly injured as a proximate result of any wanton conduct on the part of this defendant.

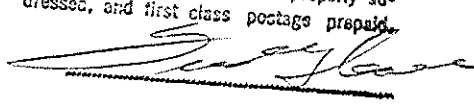
COLLINS, GALLOWAY & MURPHY

BY: 

Fred G. Collins  
ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 27 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.



**FILED**

FEB 1 1971

EUNICE B. BLACKMON CIRCUIT CLERK