CHARLES RANDALL KERBY, by his father and next friend, CHARLES KERBY,	)	IN THE CIRCUIT COURT OF
Plaintiff	)	BALDWIN COUNTY, ALABAMA
-VS-	)	
	)	AT LAW
SAMMIE STALLWORTH and JERRY BELL, as partners in a joint adventure,	)	
Defendants	)	CASE NO. 9,703

DEMURRER

Comes now the Defendant Sammie Stallworth and demurs to the complaint heretofore filed in this cause and assigns as grounds therefore the following, separately and severally, to each and every count thereof:

1. The complaint is vague.

2. The complaint is uncertain.

3. The complaint does not state a legal cause of action.

4. The complaint fails to sufficiently describe what was the joint adventure entered into between your Defendant Sammie Stallworth and the Defendant Jerry Bell.

5. The complaint fails to sufficiently describe the injuries received by Plaintiff.

6. The complaint fails to allege whether the injuried child was upon a public highway.

Kenneth Cooper
ATTORNEY FOR DEFENDANT
SAMMIE STALLWORTH

CERTIFICATE OF MAILING

I certify that I have mailed a copy of the foregoing Demurrer to Honorable C. LeNoir Thompson, 124 Courthouse Square, Bay Minette, Alabama 36507, by depositing the same in the United States Mail, postage prepaid, at Bay Minette, Alabama, on this 25th day of February, 1971.

Kenneth Cooper
ATTORNEY FOR DEFENDANT
SAMMIE STALLWORTH

FILED
FEB 26 1971
EUNICE B. BLACKMON CIRCUIT CLERK

9703

SUMMONS AND COMPLAINT

MOORE PRINTING CO., BAY MINETTE, ALA.

STATE OF ALABAMA
Baldwin County

Circuit Court, Baldwin County

No. 9703

.....TERM, 19.....

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon SAMMIE STALLWORTH and JERRY BELL

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 SAMMIE STALLWORTH and JERRY BELL, Defendants

by CHARLES RANDALL KERBY, by his father and next friend, CHARLES KERBY, Plaintiff

Witness my hand this 19 day of Feb 1971

Eunice B. Blackburn, Clerk

No. 9703 Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

Charles Randall Kerby by his father & next friend, Charles Kerby

Plaintiffs

vs.

Jimmie Stallworth & Jerry Bell

Defendants

SUMMONS AND COMPLAINT

FILED

Filed ..... 19.....

FEB 19 1971

..... Clerk

EUNICE B. BLACKMON CIRCUIT CLERK

C. H. Thompson

Plaintiff's Attorney

.....

Defendant's Attorney

Defendant lives at

.....

Received In Office

Feb 22 1971

J. Wilkins, Sheriff

I have executed this summons

this Feb 22 1971

by leaving a copy with

.....

.....

.....

.....

.....

Sheriff claims 4 miles

Ten Cents per mile Total $ 40

TAYLOR WILKINS, Sheriff

BY Tolbert

DEPUTY SHERIFF

.....

.....

.....

Taylor Wilkins Sheriff

W A Tolbert Deputy Sheriff

D. Vell

CHARLES RANDALL KERBY, by his father and next friend, CHARLES KERBY,	)	IN THE CIRCUIT COURT OF
Plaintiff,	)	
-vs-	)	BALDWIN COUNTY, ALABAMA
SAMMIE STALLWORTH and JERRY BELL, as partners in a joint adventure,	)	
Defendant.	)	AT LAW CASE # 9713

BILL OF COMPLAINT

-1-

The Plaintiff claims of the Defendants the sum of Twenty-Five Thousand ($25,000.00) Dollars as damages for that heretofore on to-wit, October 31, 1970, at about 6:45 p.m., Defendant Sammie Stallworth so negligently operated the automobile of Defendant Jerry Bell in which Jerry Bell was a passenger on or along Old Daphne Road in the City of Bay Minette, Alabama, and the said Sammie Stallworth negligently ran the said automobile owned by Jerry Bell and occupied by both Defendants upon, into, and against said Plaintiff, and, as a proximate consequence thereof, Plaintiff was seriously injured, suffered a fractured right femur and other injuries to his bones and body sufferng bruises and contusions and was cause to suffer great mental pain and anquish and his nervous system was greatly impaired and shocked and was permanetly impaired and said Plaintiff was hospitalized for a period of two weeks in Mobile General Hospital and had medical attention from doctors and medical specialists and the said plaintiff is permanently injured and suffers permanent damages a a proximate consequence of the aforesaid negligence of the Defendants.

-2-

The Plaintiff claims of the Defendants Twenty-Five Thousand ($25,000.00) Dollars as damages, that heretofore on to-wit October 31, 1970, at about 6:45 p.m. in the City of Bay Minette, Alabama, the Plaintiff was walking where he had a right to be,

on the shoulder of a road to-wit, Old Daphne Road, a public road in the City of Bay Minette, Alabama, and then and there Defendant Sammie Stallworth, being conscious at the time that his conduct in so doing would probably result in a disaster, wilfully or wantonly ran the automobile, property of Jerry Bell, who was a passenger in said car, into, upon, or against your said Plaintiff, who waswalking on the shoulder of the road approximately three feet from the pavement, and, thereby, as the proximate result and consequence thereof, the Plaintiff received severe personal injuries in this to-wit, broken bones, internal injuries, bruises, and contusions for all of which he was permanently impaired and shocked and caused to suffer great physical and mental pain. Plaintiff avers that he suffered said injuries as as proximate consequence of the aforesaid wilful and wanton negligence of the said Sammie Stallworth.

ATTORNEY FOR PLAINTIFF

FILED

FEB 19 1971

EUNICE B. BLACKMON CIRCUIT CLERK