

Original

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Bert L. Madden
Box 376, Fairhope, Ala
Plaintiff

v

W. W. Roberts
Daphne
Alabama

In the Circuit Court
of Baldwin County
Alabama.

in his official capacity
as Justice of the Peace
and also as an individual
Defendant

Case No 9257

Complaint

A Justice of the Peace has the authority and the duty to issue a show-cause order when requested. My request of Jan. 13th, 1971, was carefully written and was notarized. Also it was supported by several citations from the Alabama State Code. The defendant refused to issue this order. He deliberately and knowingly refused to carry out the duties of his office. This refusal, as was decided by the United States district Court in Jackson, Miss., "deprives citizens of their federally guaranteed rights."

Original

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Further, by refusing to issue a show-cause order the defendant has interrupted a constitutional right trial and this interruption still continues. The plaintiff is caused needless expense, loss of time, and both physical and mental distress.

The plaintiff claims damages of \$25000.00 plus legal expenses calculated according to the Code of Ethics of the Mobile Bar Association plus treble punitive damages. The right to prompt jury trial is expected.

Verification

I, the plaintiff, wrote the above complaint and believe that all matters asserted are true.

Sworn and subscribed before me this 16th day of March, 1971.

But L. Madden

Daphne Dvorak

My Commission Expires April 23, 1971

Notary

SUMMONS AND COMPLAINT

THE STATE OF ALABAMA
BALDWIN COUNTY

Circuit Court, Baldwin County

No. 9757

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon W.W. Roberts

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

W. W. Roberts Defendant

by Bert L. Madden

Plaintiff

Witness my hand this 19th day of March 1971

Eunice L. Blackmon, Clerk

No. 9757

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THE STATE OF ALABAMA
BALDWIN COUNTY

CIRCUIT COURT

BERT L. MADDEN

Plaintiffs

vs.

W. W. ROBERTS

Defendants

SUMMONS AND COMPLAINT

Filed March 19th 1971

Eunice B. Blackmon Clerk

none

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

Received In Office

Mar. 22 1971

(Taylor Wilkins) Sheriff

I have executed this summons

this 23 March 1971

by leaving a copy with

CR

W. W. Roberts

Sheriff claims 70 miles at

Ten Cents per mile Total \$7.00

TAYLOR WILKINS, Sheriff

BY W. C. ROO Deputy Sheriff

DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. C. ROO Deputy Sheriff

BERT L. MADDEN

BOX 376 FAIRHOPE, ALABAMA
PLAINTIFF

VERSUS

W. W. ROBERTS

DAPHNE, ALABAMA
in his official capacity
as Justice of the Peace
and also as an individual
Defendant

IN THE CIRCUIT COURT
OF BALDWIN COUNTY
ALABAMA

9757

DEMURRERS

Comes the defendant in the above entitled cause and demurs to the complaint, and separately and severally to each count thereof, and for grounds of demurrer, assigns, separately and severally the following:

1. No facts are alleged to show that plaintiff sustained any damage or injury as the proximate result of any negligence or breach of duty on the part of the defendant,
2. Said count is vague and indefinite,
3. Said count states no cause of action against the defendant,
4. The averments of the breach of duty are merely the conclusions of the plaintiff, with no facts alleged in support thereof.

W. W. Roberts

FILED

MAR 26 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

9752

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