

STATE OF ALABAMA

IN THE CIRCUIT COURT - LAW SIDE

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Louis J. Cooper to appear within thirty days from the service of this Writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the Complaint of Kenneth E. Teem.

WITNESS my hand this 7th day of June, 1971.

Eunice B. Blackburn
Clerk

KENNETH E. TEEM,	X	
Plaintiff,	X	IN THE CIRCUIT COURT OF
vs.	X	
	X	BALDWIN COUNTY, ALABAMA
LOUIS J. COOPER,	X	AT LAW
Defendant.	X	9869

The Plaintiff claims of the Defendant the sum of Five Hundred Dollars (\$500.00) as damages for that on, to-wit: October 21, 1970, at a point in Baldwin County, Alabama, where State Highway 59 is intersected by the Miflin Road South of Foley, the Defendant so negligently drove a motor vehicle into or against the automobile owned by the Plaintiff while the Plaintiff was driving such automobile in a Northerly direction on said Highway 59 and as a proximate result of the negligence of such Defendant, the automobile owned by the Plaintiff was damaged in this: its right front fender, right front bumper and right headlights were all bent and broken so that the same had to be replaced and the automobile was otherwise damaged and bent all to the damage to the

Plaintiff in the sum above mentioned, hence this suit.

Shaw, Stone & Shaw
Attorneys for Plaintiff

FILED

JUN 7 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

9869

JUN 7 1971

KENNETH E. TEEM,

Plaintiff,

vs.

LOUIS J. COOPER,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

* * * * *

COMPLAINT

* * * * *

*Star Route - Bay Marella
between Perdido & Lottie*

FILED

JUN 7 1971

EUNICE B. BLACKMON CIRCUIT CLERK

Received 7 day of June 1971
and on 22 day of June 1971
I served a copy of this Complaint
on Louis J. Cooper
By Taylor Wilkins Sheriff
Deputy Sheriff

Sheriff's Office 40 miles at
Ten Ours per mile Total \$ 4.00
TAYLOR WILKINS, Sheriff
BY W. A. Gilbert
DEPUTY SHERIFF


20 miles north of Bay

KENNETH E. TEEM
Plaintiff
vs
LOUIS J. COOPER
Defendant

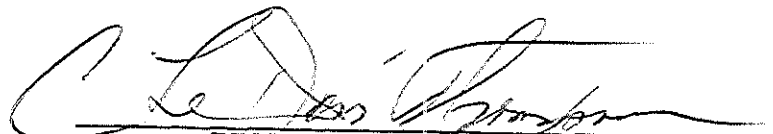
* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW.
* CASE NO. 9869
*

Comes the defendant in the above styled cause and
for demurrer to the complaint filed in said cause shows
as follows:

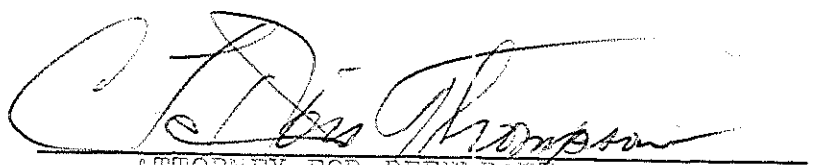
1. Said complaint fails to state a cause of action.
2. Said complaint fails to allege the agency of the
said defendant.
3. Said complaint fails to allege the plaintiff had a
right to be at the place and at the time said alleged accident
occurred.
4. Said complaint fails to allege that the alleged
accident took place on a public right of way.


ATTORNEY FOR DEFENDANT

Defendant demands trial by jury.


ATTORNEY FOR DEFENDANT

I hereby certify that I have this the 20th day of
July, 1971, served a copy of foregoing demurrer on Chason,
Stone & Chason, by mailing it to them as attorney for
plaintiff at their address which is Bay Minette, Alabama.


ATTORNEY FOR DEFENDANT

FILED

JUL 20 1971

EUNICE B. BLACKMON CIRCUIT
CLERK

9869

KENNETH E. TEEM	*	IN THE CIRCUIT COURT OF
Plaintiff	*	BALDWIN COUNTY, ALABAMA
vs	*	AT LAW.
LOUIS J. COOPER	*	CASE NO. 9869
Defendant	*	

Comes the Defendant in the above styled cause and for answer to the complaint filed in said cause and to each allegation therein and shows as follows:

1. Not guilty.

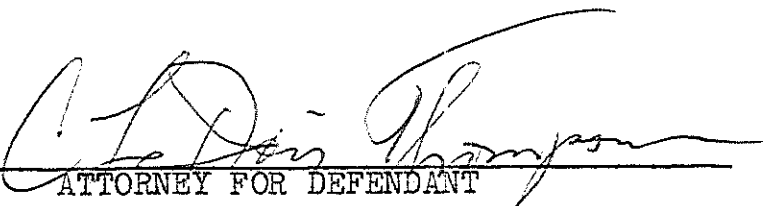
2. For further plea the defendant says that the plaintiff was himself guilty of negligence which contributed proximately to the damages complained of in the complaint in that on that day and date employees of the State Highway Department were cleaning ditches at or near the point of impact operating a gradall and defendant was operating a dump truck taking the dirt from the gradall and hauling it away from this cite to a point on a roadway for dumping. That your defendant was operating under the protection of flags handled by flagmen employees of the State Highway Department and said plaintiff drove through one of the flags and collided with the State Highway Department truck being operated by the defendant as he was being turned by a flagman. Said plaintiff knew or should have known by the exercise of ordinary care that the Highway Department flagman was notice per se of the danger arising from the repair work being done and plaintiff continued through at his peril thereby contributing to his injuries.

3. Plaintiff himself was guilty of contributory negligence in that he was operating his automobile at an excess speed through a restricted zone to-wit: 15 mile an hour speed limit, restriction created by the Highway Department for the safety of the passing public and for the convenience of the truck operators which excess speed was the proximate cause of the accident complained of and through which the

plaintiff proximately contributed to the cause of the accident.


ATTORNEY FOR DEFENDANT

I hereby certify that I have this the 3rd day of April, 1972, served a copy of the foregoing answer on Chason, Stone and Chason, Attorneys for Plaintiff, Bay Minette, Alabama by placing a copy in the U. S. Mail postage prepaid.


ATTORNEY FOR DEFENDANT

FILED

APR 3 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

KENNETH E. TEEM, X
Plaintiff, X IN THE CIRCUIT COURT OF
vs. X BALDWIN COUNTY, ALABAMA
X
LOUIS J. COOPER, X AT LAW NO. 9869
Defendant. X

DEMURRER

Comes the Plaintiff in the above styled cause and demurs to Pleas 2 and 3 filed by the Defendant in said cause separately and severally, and assigns the following separate and several grounds, viz:

1. That such Pleas do not state a defense to the cause of action.
2. That said Pleas do not state that the alleged negligence of the Plaintiff was the proximate cause of his injuries and damages.
3. The allegation in Plea 2 "that on that day and date, employees of the State Highway Department were cleaning ditches at or near the point of impact operating a gradall" fails to allege what day and date is referred to and fails to state that such work was being done at or near the point of impact referred to in the Plaintiff's Complaint.
4. The allegation in Plea 2 that the "defendant was operating a dump truck taking the dirt from the gradall and hauling it away from this cite to a point on a roadway for dumping" fails to allege any connection with the accident sued for in the Complaint.
5. The allegation in Plea 2 "that your defendant was operating under the protection of flags handled by flagmen employees of the State Highway Department and that said plaintiff

drove through one of the flags and collided with State Highway Department truck being operated by the Defendant as he was being turned by a flagman" fails to allege any negligence on the part of the Plaintiff except by conclusion.

6. It is not alleged that any of the flagmen were at or near the point of impact in Plea 2 to the Complaint.

7. Plea 3 fails to allege at what speed the Plaintiff was operating his automobile at the time the accident occurred.

8. That Plea 3 fails to allege in what way the restrictive zone referred to in such Plea was created.

9. That said Pleas fail to allege that the Plaintiff did not have the right-of-way at the time the accident occurred.

Harvey Stone & Grace
Attorneys for Plaintiff

FILED

APR 4 1972

EUNICE B. BLACKMON CIRCUIT CLERK

CERTIFICATE OF SERVICE

I certify that a copy of the above pleading has been served upon the undersigned for all parties to this process and mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 4th day

of April 1972

Harvey Stone

KENNETH E. TEEM,
Plaintiff,

vs.

LOUIS J. COOPER,
Defendant.

* * * * *

DEMURRER

* * * * *