

COMPLAINT AND SUMMONS

State of Alabama,)
Baldwin County)

TO THE SHERIFF OF BALDWIN COUNTY- GREETINGS

You are hereby commanded to summon GULF BOWL, JOHN DOE, dba GULF BOWE 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 the same, then and there to answer the Complaint of Burton Little.

Witness my hand, this 5 day of July, 1972
Eunice B. Blackmon
CLERK, CIRCUIT COURT OF BALDWIN COUNTY

BURTON LITTLE, + IN THE CIRCUIT COURT
Complainant; + OF BALDWIN COUNTY,
Vs + ALABAMA
GULF BOWL, JOHN DOE, + AT LAW
JOHN DOE dba GULF BOWL, +
X & Y a Partnership, +
X Y & Z A Corporation +
whose names and addresses +
are otherwise unknown and +
will be added by amendment +
when ascertained, + CASE NO. 10,474
Defendants. +

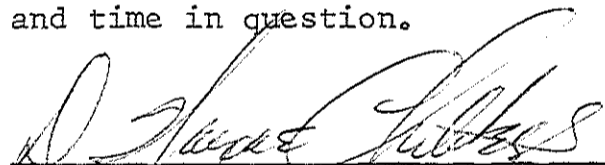
COMPLAINT

COUNT ONE

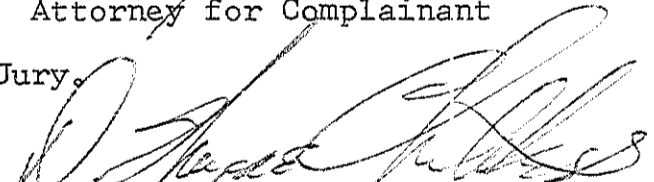
Plaintiff claims of the defendant the sum of Ten Thousand (\$10,000) and No/100 dollars as damages for that heretofore and on to-wit: the 4th day of July, 1971 defendant occupied and was in possession of certain premises in Foley Baldwin County, Alabama on one of the public streets of said town and county, to-wit: South McKenzie Street where it conducted or operated a public facility to-wit: a bowling

alley to which the public generally were invited to come and bowl; that plaintiff was an invitee of defendant upon said premises being there on the occasion complained of to transact business with the defendant; plaintiff further avers that he was handicapped and confined to a wheel chair and while in said facility, where he was invited, on the occasion aforesaid he fell or was caused to fall into or over a dangerous unguarded opening or depression in the floor thereof and plaintiff's head and neck were injured and made sore, he suffered contusions and abrasions about the head; he suffered great mental anguish and pain, lost time from his employment, spent or became liable for doctor bills and medicine in and about the treatment of his injuries. Plaintiff alleges that all of foresaid injuries and damages were proximately caused by reason of the negligence of the defendant in negligently failing to use due care to keep said premises said safe for persons visiting the place by its invitation, expressed or implied.

John Doe, X & Y a partnership, X, Y, & Z a corporation is the person, partnership, or corporation operating Gulf Bowl of date and time in question.


D. WAYNE CHILDRESS,
Attorney for Complainant

Plaintiff demands trial by Jury.


D. WAYNE CHILDRESS,
Attorney for Plaintiff

Serve defendant at:

Gulf Bowl
South McKenzie Street
Foley, Alabama

FILED

JUL 5 1972

EUNICE B. BLACKMON CIRCUIT CLERK

72 PAGE 545

248-8-74

BURTON LITTLE

Complainant

vs

GULF BOWL, JOHN DOE, JOHN DOE 1/1/72
GULF BOWL, X & Y A Partnership,
X Y & Z A Corporation whose names
and addresses are otherwise unknown and
will be added by amendment when ascertained

Defendants

RECEIVED

JUL 1 1972

FILED

JUN 15 1972

EUNICE B. BLACKMON
CIRCUIT CLERK

Pltf Atty.
D. Wayne Childress

Received by day of July 19 1972

and on 8 day of July 19 1972

I served a copy of the within Sheriff claims

on Gulf Bowl, John Doe, John Doe 1/1/72
Gulf Bowl, X & Y A Partnership
X Y & Z A Corporation

By service on Taylor Wilkins Sheriff
Deputy Sheriff

Taylor Wilkins Sheriff
Deputy Sheriff

Ten Cents per mile Total \$ 22.00

Taylor Wilkins, Sheriff
Deputy Sheriff

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BURTON LITTLE,	X		
Complainant,	X	IN THE CIRCUIT COURT OF	
	X		
vs.	X	BALDWIN COUNTY, ALABAMA	
	X		
GULF BOWL, et al.,	X	AT LAW	NO. 10,474
Defendants.	X		

DEMURRER

Comes now the Defendant, Gulf Bowl, by its attorneys, and demurs to the Complaint heretofore filed against it and as grounds therefor assigns, separately and severally, the following

1. The Complaint fails to state a cause of action.
2. The Complaint fails to allege a duty owing from the Defendant to the Plaintiff and a breach thereof proximately resulting in the injuries complained of.
3. The allegations of the Complaint are conclusions of the pleader.
4. The Complaint fails to allege any negligence on the part of the Defendant.
5. For aught that appears from the allegations of the Complaint, the Defendant was not guilty of any negligent act.
6. It affirmatively appears from the allegations of the Complaint that this action is barred by the Statute of Limitations of one year.
7. It affirmatively appears from the allegations of the Complaint that this action was commenced more than one year after the alleged injuries were received.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing pleading has been served upon counsel for all parties to this proceeding, by mailing the same to each by First Class United States Mail, properly addressed and postage prepaid on this 20 day of July, 1972.

[Signature]

Respectfully submitted

CHASON, STONE & CHASON

By: *[Signature]*
Attorneys for Defendant, Gulf Bowl

FILED
JUL 20 1972
EUNICE BLACKMON
CLERK

BURTON LITTLE,
Plaintiff
vs.
GULF BOWL, et al.,
Defendants

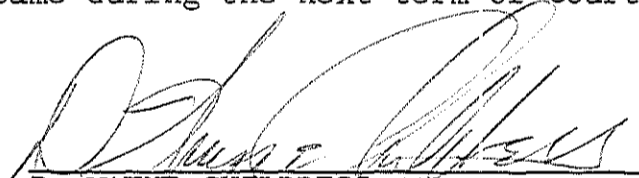
* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA
* AT LAW
*
* CASE NO. 10,474

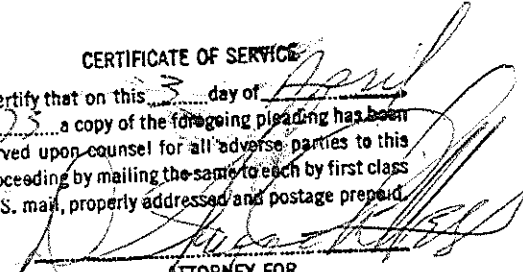
MOTION FOR CONTINUANCE

Comes now, D. WAYNE CHILDRESS, Attorney for the Plaintiff in the above styled cause and moves this Honorable Court to Grant a continuance in the above styled case and as grounds therefor sets forth the following:

1. The above styled cause is set for April 11, 1973;
2. Plaintiff's Attorney is scheduled to try a case in Mobile County on April 11, 1973 entitled Bruneeze Crutchfield vs. Ethel Warr. Said case is first on the docket and there is no chance of settlement.
3. The above styled case is thirteenth on the docket and it is the first setting.

WHEREFORE, your Petitioner prays that Your Honor will continue said case and set same during the next term of Court.


D. WAYNE CHILDRESS

CERTIFICATE OF SERVICE
I certify that on this 3 day of April
1973 a copy of the foregoing pleading has been
served upon counsel for all adverse parties to this
proceeding by mailing the same to each by first class
U.S. mail, properly addressed and postage prepaid.

ATTORNEY FOR

FILED

APR 5 1973

EUNICE B. BLACKMON CIRCUIT CLERK

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CONFIDENTIAL

The above information is being furnished to you for your information and is not to be disseminated outside your organization.

The following information is being furnished to you:

1. The above information is being furnished to you for your information and is not to be disseminated outside your organization.
2. The above information is being furnished to you for your information and is not to be disseminated outside your organization.

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CONFIDENTIAL

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10474

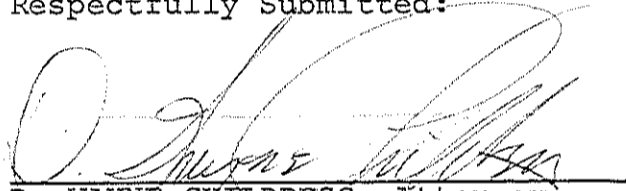
BURTON LITTLE,	*	IN THE CIRCUIT COURT OF
	*	
Plaintiff	*	BALDWIN COUNTY,
	*	
vs.	*	ALABAMA
	*	
GULF BOWL, et al,	*	
	*	
Defendant	*	Case No. <u>10474</u>

MOTION TO WITHDRAW

Comes now D. WAYNE CHILDRESS, Attorney for the Plaintiff, and respectfully moves this Honorable Court to allow him to withdraw as Attorney of record and as grounds says the following:

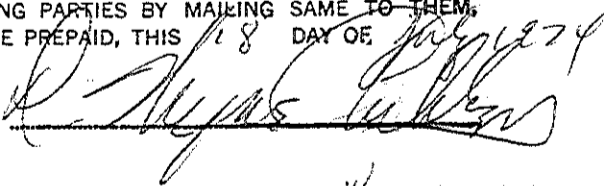
(1) That he has had no communication from the Plaintiff and is therefore unable to proceed.

Respectfully Submitted:


 D. WAYNE CHILDRESS, Attorney
 for Plaintiff

CERTIFICATE

I HEREBY CERTIFY THAT I HAVE SERVED A COPY OF THE FOREGOING INSTRUMENT ON COUNSEL FOR THE OPPOSING PARTIES BY MAILING SAME TO THEM, POSTAGE PREPAID, THIS 18 DAY OF July 1974



#38-4785

*Submitted
 7-19-74
 * 10:15 to clerk
 H.H.H. of mailing*

FILED

JUL 19 1974

EUNICE B. BLACKMON CIRCUIT CLERK