

GLORIA ATKINSON

Plaintiff

vs

CHARLES B. MIDDLETON

Defendant

* IN THE CIRCUIT COURT OF
* BALDWIN COUNTY, ALABAMA,
* AT LAW

*

CASE NO. 10,528

*

COUNT I: The Plaintiff claims of the Defendant TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) as damages for that heretofore and on to wit: the 28th day of May, 1972, the Plaintiff was a passenger in an automobile being driven on Section Street near where Volanta Avenue intersects said Section Street, a public street in Fairhope, Baldwin County, Alabama, and where the Plaintiff had a right to be, and then and there the Defendant so negligently drove or operated a motor vehicle so as to run into, over, upon and against the automobile in which the Plaintiff was a passenger and as a proximate consequence of the negligence of the Defendant the Plaintiff was injured in this to wit: she received multiple bruises and contusions, she suffered a spinal and neck injury, she suffered a whiplash injury, she was caused to suffer pain and suffering, she was caused to be hospitalized and to seek the services of physicians, she was caused to lose her wages, she was caused to suffer unemployment by virtue of her injuries and will in the future suffer loss of wages from ⁱⁿ⁻her/ability to be employed by virtue of the said injuries. The Plaintiff avers that her injuries and damages are all a proximate consequence of the negligence of the Defendant and hence this suit.

COUNT II: The Plaintiff claims of the Defendant

the sum of TWENTY THOUSAND AND 00/100 DOLLARS (\$20,000.00) as damages for that heretofore and on to wit: the 28th day of May, 1972, the Plaintiff was a passenger in an automobile on Section Street near where Volanta Avenue intersects said Section Street and where the Plaintiff had a right to be, both of which streets are public streets or roads in Fairhope, Baldwin County, Alabama, and then and there the Defendant wantonly injured the Plaintiff by wantonly driving an automobile over, into, upon and against the automobile in which the Plaintiff was a passenger and as a proximate consequence thereof the Plaintiff suffered injuries and damages in this to wit: she received multiple bruises and contusions, she suffered a spinal and neck injury, she suffered a whiplash injury, she was caused to suffer pain and suffering, she was caused to be hospitalized and to seek the services of physicians, she was caused to lose her wages, she was caused to suffer unemployment by virtue of her injuries and will in the future suffer loss of wages from her ⁱⁿ⁻ability to be employed by virtue of the said injuries. The Plaintiff avers that all of her injuries were a proximate consequence of the wanton negligence of the Defendant and hence this suit.



FRED F. SMITH, JR., Attorney for Plaintiff

The Plaintiff demands a trial by jury in this cause.



SERVE THE DEFENDANT: Charles B. Middleton
c/o Charlie's Barber Shop
317 Fairhope Avenue
Fairhope, Alabama

FILED

AUG 5 1972

EUNICE B. BLACKMON CIRCUIT
CLERK

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 Charles B. Middleton

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.....

Charles B. Middleton Defendant.....

by Gloria Atkinson

..... Plaintiff.....

Witness my hand this 3 day of Aug. 19. 72

.....
Eunice B. Blackmon Clerk

No. 10,528

Page.....

STATE OF ALABAMA

Baldwin County

CIRCUIT COURT

.....Gloria Atkinson.....

Plaintiffs

vs.

.....Charles B. Middleton.....

Defendants

SUMMONS AND COMPLAINT

Filed 19.....

FILED

Clerk

AUG 3 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Fred F. Smith, Jr.

302 DeLaMare

Fairhope, Alabama

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at
Charles B. Middleton
c/o Charlie's Barber Shop
317 Fairhope Avenue
Fairhope, Alabama

RECEIVED (Received In Office)

AUG 8 1972

19.....

TAYLOR WILKINS

Sheriff

I have executed this summons

this Aug 10 1972

by leaving a copy with

Charles B. Middleton

Sheriff claims 70 miles at

Ten Cents per mile Total \$

TAYLOR WILKINS, Sheriff

BY W. C. Adams

DEPUTY SHERIFF

Taylor Wilkins Sheriff

W. C. Adams Deputy Sheriff

C. L. Adams

| | | |
|-----------------------|---|-------------------------|
| GLORIA ATKINSON, | X | |
| Plaintiff, | X | IN THE CIRCUIT COURT OF |
| | X | BALDWIN COUNTY, ALABAMA |
| vs. | X | AT LAW NO: 10,528 |
| | X | |
| CHARLES B. MIDDLETON, | X | |
| Defendant: | X | |

DEMURRER

Comes the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof, separately and severally, and assigns the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint does not allege any duty owing by the Defendant to the Plaintiff.
3. That the Plaintiff claims damages in that "she was caused to lose her wages" without any allegation that she was gainfully employed at the time the accident occurred.
4. That the Plaintiff alleges in such complaint that she was caused to suffer unemployment by virtue of her injuries without alleging that she was gainfully employed at the time the accident occurred.

FILED

AUG 18 1972

EUNICE B. BLACKMON CIRCUIT CLERK

Charles Stone & Stinson
Attorneys for Defendant

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 18th day

of Aug 19 1972
John Stinson

GLORIA ATKINSON,

Plaintiff,

vs.

CHARLES B. MIDDLETON,

Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 10,528

* * * * *

DEMURRER

* * * * *

FILED

1968

CLERK OF COURT

GLORIA ATKINSON,

Plaintiff,

vs.

CHARLES B. MIDDLETON,

Defendant.

X

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

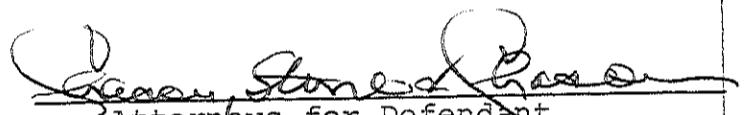
BALDWIN COUNTY, ALABAMA

AT LAW NO. 10,528

PLEA

Comes the Defendant in the above styled cause and for plea to the complaint filed in said cause and each and every count thereof, separately and severally, and says:

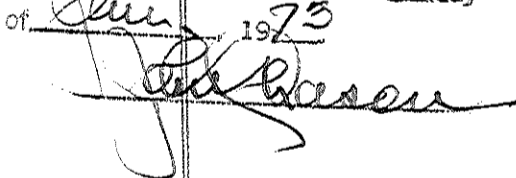
1. Not guilty.


Attorneys for Defendant

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 5 day

of Jan 1973



FILED

JAN 5 1973

EUNICE B. BLACKMON CIRCUIT
CLERK

GLORIA ATKINSON,
Plaintiff,

vs.

CHARLES B. MIDDLETON,
Defendant.

* * * * *

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO: 10,528

* * * * *

FRED F. SMITH, JR.
ATTORNEY AT LAW
P. O. BOX 487
FAIRHOPE, ALABAMA 36532

FRED F. SMITH, JR.
JOHNNY MACK LANE

February 13, 1973

302 DELAMARE ST.
FAIRHOPE, ALABAMA
928-9276

Mrs. Eunice Blackmon
Clerk - Circuit Court
Baldwin County Court House
Bay Minette, Alabama

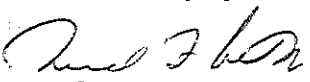
RE: Gloria Atkinson vs Charles B. Middleton
At Law No. 10,528

Dear Mrs. Blackmon:

Please dismiss the above cause presently pending in the
Circuit Court of Baldwin County, Alabama, with prejudice.

Enclosed is check to cover the cost of court.

Very truly yours,


Fred F. Smith, Jr.

FFS/s