

ODELL ROBINSON, individ-  
ually and d/b/a ROBINSON  
CONSTRUCTION COMPANY,

Plaintiff,

VS.

GULF-STATES TELEPHONE  
COMPANY, INC., a corp-  
oration,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 11,651

COMPLAINT

COUNT ONE

The Plaintiff claims of the Defendant the sum of Eight Hundred Seventy-eight and 80/100 (\$878.80) Dollars, damages for a breach of an agreement entered into by it on the 10th day of February, 1972, in substance as follows:

The Plaintiff purchased a Model 100 Record-O-Phone from the Defendant on the said date and paid therefore the full consideration of Eight Hundred Seventy-eight and 80/100 (\$878.80) Dollars. At the time the Plaintiff purchased said item the Defendant did not have the same in stock and agreed to temporarily install at the Plaintiff's place of business, a Model 175 Record-O-Phone until it could supply the Plaintiff with the type of equipment which he purchased. And the Plaintiff says that although he has complied with all of the provisions on his part, the Defendant has failed to comply with the following provisions viz; the temporary machine installed by the Defendant company is defective and has not since its installation operated or functioned as represented by the Defendant and the Defendant has failed and refused to supply the Plaintiff with the model number or type of equipment which he purchased and has further failed and refused to refund to the Complainant the purchase price paid for said equipment.

COUNT TWO

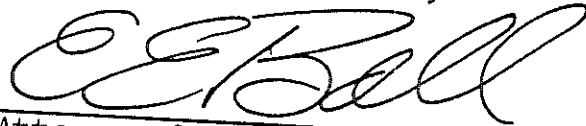
The Plaintiff claims of the Defendant Eight Hundred Seventy-eight and 80/100 (\$878.80) Dollars due from him by account on the 10th day of February, 1972 which sum of money, with interest

thereon, is still unpaid.

COUNT THREE

The Plaintiff claims of the Defendant Eight Hundred Seventy-eight and 80/100 (\$878.80) Dollars, damages for a breach of warranty in the sale of a Model 175 Record-O-Phone by it to the Plaintiff on the 10th day of February, 1972 which the Defendant warranted to be new and in good condition and operating order, when in fact the said item of merchandise had to be repaired numerous times within a short time from the date of purchase and remains as of the date hereof inoperable.

Respectfully submitted,



Attorney for Plaintiff

The Defendant may be served by service on:

W. Roberts, President  
612 Holcombe Avenue  
Mobile, Alabama

**FILED**

OCT 13 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK 4

SUMMONS AND COMPLAINT

THE 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 .....GULF-STATES TELEPHONE COMPANY, INC.,  
a corporation.....  
.....  
.....

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.....  
GULF-STATES TELEPHONE COMPANY, INC., a corporation....., Defendant.....

by .....

ODELL ROBINSON, individually and d/b/a ROBINSON CONSTRUCTION Plaintiff.....  
COMPANY

Witness my hand this.....13.....day of.....Oct.....1972

Ernie B. Blackman Clerk

No. 10,657

Page.....

THE STATE OF ALABAMA  
BALDWIN COUNTY

CIRCUIT COURT

Adell Robinson

Plaintiffs

vs.

Gulf-States Telephone Co.  
Ind. a corp.

Defendants

SUMMONS AND COMPLAINT

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

FILED

Clerk

OCT 13 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

E. E. Ball

Plaintiff's Attorney

Defendant's Attorney

Defendant lives at

RECEIVED  
Received in Office

10/16/1972

19.....

TAYLOR WILKINS..... Sheriff

I have executed this summons

this ..... 19.....

by leaving a copy with

Received on 10/17 Day of Oct  
I served a copy of the within on  
by service on Gulf-States Telephone Co.  
RAY D. BRIDGES, Sheriff  
By

Sheriff

Deputy Sheriff

ODELL ROBINSON, Individually	)	IN THE CIRCUIT COURT OF
and d/b/a ROBINSON CONSTRUCTION	)	BALDWIN COUNTY, ALABAMA
COMPANY,	)	
Plaintiff,	)	AT LAW
-vs-	)	
GULF-STATES TELEPHONE	)	
COMPANY, INC., a corporation,	)	
Defendant.	)	CASE NO. <u>10,651</u>

DEMURRER

Comes now the Defendant in the above-styled cause, and demurs to the Plaintiff's complaint as heretofore filed herein, and to each and every count thereof, separately and severally, and as grounds therefor sets down and assigns the following, separately and severally:

1. For that said count fails to state a cause of action.
2. For that the terms of the alleged agreement are not set forth with sufficient certainty.
3. For that said count is so vague, indefinite and uncertain that the Defendant is not apprised of what it is called upon to defend.
4. For that it is not alleged with sufficient certainty when the Defendant was to have supplied the Plaintiff with the type of equipment which he purchased.
5. For aught that appears, the Defendant is not under a duty at this time to supply the Plaintiff with the equipment allegedly purchased by the Plaintiff.
6. For that it is not alleged whether said warranty is oral or in writing.
7. For that the terms of the alleged warranty are not set forth with sufficient certainty.

**FILED**

NOV 18 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

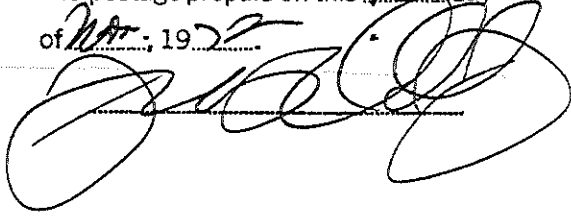
McDERMOTT & SLEPIAN  
Attorneys for Defendant  
211 North Conception Street  
Post Office Drawer 2025  
Mobile, Alabama 36601

BY

  
BRAXTON L. KITTRELL, JR.

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 15th day  
of Nov., 1972.



**FILED**

NOV 18 1972

EUNICE B. BLACKMON CIRCUIT  
CLERK

ODELL ROBINSON, individ-  
ually and d/b/a ROBINSON  
CONSTRUCTION COMPANY,

Plaintiff,

VS.

GULF-STATES TELEPHONE  
COMPANY, INC., a corpo-  
ration,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW NO. 10,651

ORDER OF DISMISSAL

The Plaintiff having heretofore orally moved this Court to dismiss the above styled cause and the Court being of the opinion that the same should be granted, does hereby

ORDER, ADJUDGE and DECREE that the above styled cause be and the same is hereby dismissed and the cost of court be taxed against the Defendant for which let execution issue.

Done this the 18<sup>th</sup> day of April, 1973.

J. Glavin H. Madsen  
CIRCUIT JUDGE

Minute Page 171  
Book 13



201 10575

To the Sheriff of Mobile Bay Minette, Ala., 10-1 Alabama  
I enclose herewith for service on County, Mobile  
State Belup. Co. by W. Roberts  
President, 613 Volcombe Ave.  
Mobile, Ala. Thanks!  
Please serve and return as early as possible. J. W. Williams  
Sheriff, Baldwin County, Alabama

(If not found in your county, please advise promptly giving information as to present location if possible)