

2238

BOOK 001 PAGE 367

STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Dan Sullivan 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 Richard Barmettler.

Witness my hand this 21 day of April, 1954.

Cliff J. Smith
Clerk.

RICHARD BARMETTLER,

Plaintiff,

vs.

DAN SULLIVAN,

Defendant.

I

I

I

I

I

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for that on, heretofore, to-wit: the 24th day of December, 1953, the Defendant so negligently operated a motor vehicle on Alabama State Highway #89 at a point approximately one mile North of the City of Fairhope, in Baldwin County, Alabama, at 8:00 o'clock p.m., as to cause or allow the same to run into, upon and against a motor vehicle owned by the Plaintiff which was then and there being operated by him and as a proximate consequence and result of the negligence of the Defendant, aforesaid, the Plaintiff's automobile was greatly damaged in that the front end assembly thereof was bent, broken and otherwise damaged and the Plaintiff suffered personal injuries including a fractured kneecap and was otherwise bruised and made sore and lame, all to the damage of the Plaintiff as aforesaid, hence this suit.

COUNT TWO:

The Plaintiff claims of the Defendant the sum of Five Thousand Dollars (\$5,000.00) as damages for that on, heretofore, to-wit: the 24th day of December, 1953, the said Dan Sullivan wantonly injured the Plaintiff and wantonly damaged the Plaintiff's automobile on Alabama State Highway #89 at a point approximately one mile North of the City of Fairhope, at 8:00 o'clock p.m. on said date by then and there wantonly driving a motor vehicle into, upon and against the Plaintiff's automobile in which he was then and there riding and as a proximate consequence and result of such wantonness the Plaintiff's automobile was damaged in that the front end assembly thereof was bent, broken and otherwise damaged and the Plaintiff suffered personal injuries including a fractured kneecap and was otherwise bruised and made sore and lame, all to the damage of the Plaintiff as aforesaid, hence this suit.

FILED

4-21-54

ALICE I. DUCK, Clerk

CHASON & STONE

By:


Attorneys for Plaintiff.

Defendant's address, Fairhope, Alabama.

Plaintiff demands a trial by jury.

CHASON & STONE

By:


Attorneys for Plaintiff

I served a copy of the within.

Dan Sullivan

By service of

Taylor & Walker

TAYLOR & WALKER, SHARIT

By *J. H. Stewart*, D. S.

RICHARD BARMETTLER,

Plaintiff,

vs.

DAN SULLIVAN,

Defendant.

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

SUMMONS AND COMPLAINT

FILED

APR 31 1954

WILLIAM A. BUCK, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

RICHARD BARMETTLER,

Plaintiff,

Vs.

DAN SULLIVAN,

Defendant.

§

§

IN THE CIRCUIT COURT OF

§

BALDWIN COUNTY, ALABAMA.

§

§

AT LAW NO. 2238.

§

§

Comes now the defendant in the above styled cause and demurrers to the plaintiff's complaint having been overruled answers the plaintiff's complaint and each count thereof as follows:

As to Count One the defendant separately and severally pleads:

1. The defendant is not guilty.

2. At the time and place alleged in the complaint the plaintiff so negligently operated the automobile in which he was riding as to cause or allow the same to come into collision with the automobile being then and there operated by the defendant and as a proximate result of the negligence on the part of the plaintiff as aforesaid the plaintiff proximately contributed to his damages and injuries complained of, hence he ought not to recover.

As to Count Two the defendant pleads:

1. Not guilty.

Smith, Hand, Brundall & Beards
Attorneys for the Defendant.

FILED

7-8-54

ALICE J. DUCK, Clerk

RICHARD BARMETTLER,
Plaintiff,
Vs.
DAN SULLIVAN,
Defendant.

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

D E M U R R E R

Comes now the Defendant in the above styled cause and demurs to the Plaintiff's complaint and each count thereof separately and severally and for separate and several grounds of the demurrer assigns the following:

1. That said count fails to state a cause of action.
2. That said count does not aver any duty owed the plaintiff breached by the defendant.
3. For aught appearing from said count plaintiff was at the said time and place alleged a trespasser.

Smith, Hand, Readall & Bedsole
Attorneys for the Defendant.

FILED

5-19-54

ALICE J. DUCK, Clerk

100-101-11

TO BELO 100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

FILED
MAY 19 1954
ALICE J. BUCK, Clerk

2238
Kumtiller
vs
Sullivan

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

100-101-11

SMITH, HAND, ARENDALL & BEDSOLE
LAWYERS

HARRY H. SMITH
COUNSELOR
CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
J. JEPHTHA HILL

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

May 18, 1954

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

We are enclosing demurrer to be filed in the Barmettler case. Please acknowledge receipt on the enclosed copy of this letter and serve the carbon of the demurrer on Messrs. Chason & Stone.

Yours very truly,

SMITH, HAND, ARENDALL & BEDSOLE

By *W B Hand*

WBH:ps
Encl.