

KENNETH R. GIDDENS,  
SHIRLEY KONRAD, and  
TRAVIS J. RESTER, JR.,

a Partnership  
doing business as  
WKRG RADIO STATION,

Plaintiffs

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 2414

-vs-

ROBERT R. NAHRGANG,

Defendant.

RULING ON PLAINTIFF'S DEMURRERS  
TO DEFENDANT'S PLEAS

This matter coming on to be heard on the demur-  
rers filed by the Plaintiff to the Defendant's pleas, the  
Court on hearing;

ORDERED, ADJUDGED and DECREED that the demur-  
rers to Pleas One, Two and Three be overruled and sustained  
as to Pleas Four, Five and Six; and Defendant is given  
twenty days to amend.

Done this the 28 day of January, 1955.

FILED

12-1-54

ALICE J. COCK, Register

*Hubert M. Hall*  
H. M. Hall, Circuit Judge.

KENNETH R. GIDDENS,  
SHIRLEY KOWALD, and  
TRAVIS J. RESNER, JR.,  
A Partnership doing business as  
WIRG RADIO STATION,

PLAINTIFFS,

VS

ROBERT R. MURKAMP,

DEFENDANT.

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

Comes the Defendant in the above styled cause and demurs to each and every Count thereof separately and severally and for demurrer says:

1.

That the said Complaint constitutes a variance from the said sworn statement attached thereto.

2.

That said Complaint does not state a cause of action.

3.

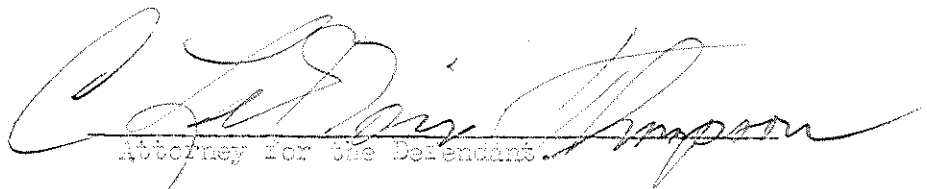
That Count One of said Complaint constitutes a variance from the said sworn statement attached thereto.

4.

That Count Two of said Complaint constitutes a variance from the said sworn statement attached thereto.

5.

That Count Three of said Complaint constitutes a variance from the said sworn statement attached thereto.

  
Attorney for the Defendant.

Defendant demands a trial by Jury.

  
Attorney for the Defendant.

KENNETH R. GIDDENS,  
SHIRLEY KONRAD, and  
TRAVIS J. RESTER, JR.,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

a Partnership  
doing business as  
WKRG RADIO STATION,

AT LAW  
No, 2414

Plaintiffs,

-VS-

ROBERT R. NAHRGANG,

Defendant.

DEMURRERS TO DEFENDANT'S HEA

Comes the Plaintiff in the above styled cause and offers the following separate and several demurrers to Defendant's pleas and assigns the following as grounds of demurrers: to plea two:

That said plea is a denial of the allegations of Count Two which is the denial of the execution of a written instrument and is not under oath as required by law.

Plaintiff assigns the following grounds ad demurrer to Plea Three:

That said plea is the denial of the execution of a written instrument and is not under oath as required by law.

Plaintiff assigns the following grounds as demurrer to Plea Four:

Said plea is defective in that it does not specifically allege that said account is for merchandise which he alleges is not delivered.

Plaintiff assigns the following grounds to Plea Five:

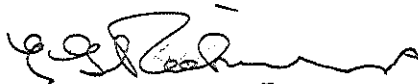
That said plea does not allege that merchandise which he claims was not delivered was the consideration for the check.

Plaintiff assigns the following grounds as demurrer to Plea Six:

That said plea does not allege that the merchandise  
was the consideration for the check.

RICKARBY & RICKARBY

By:

  
E. G. Rickarby, Jr.,  
Attorney for Plaintiff.

KENNETH R. GIDDENS,  
SHIRLEY KONRAD, and  
TRAVIS J. RESTER, JR.,

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

a Partnership  
doing business as  
WKRG RADIO STATION,

AT LAW  
No. 24114

Plaintiffs,

-VS-

ROBERT R. NAHRGANG,

Defendant

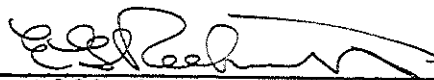
INTERROGATORIES PROPOUNDED BY PLAINTIFF TO DEFENDANT

Comes the Plaintiff in the above styled cause and propounds the following interrogatories by the Plaintiff to the Defendant:

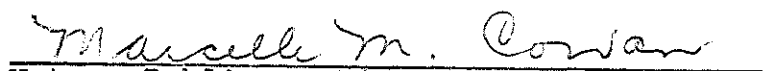
STATE OF ALABAMA:

COUNTY OF BALDWIN:

Before me, the undersigned Notary Public, personally appeared E. G. RICKARBY, JR., Attorney for the Plaintiff, who being duly sworn, says that the answers to these interrogatories propounded by Plaintiff to Defendant will be material testimony for the Plaintiff in the cause.

  
Affiant

Subscribed and sworn to before me this the 6<sup>th</sup> day of  
January, 1955.

  
Notary Public, Baldwin County, Alabama.  
*State at Large*

INTERROGATORY ONE

Were you the Treasurer of the Clarence E. Barclay  
Campaign Committee?

INTERROGATORY TWO

During the months of August and September, 1953, did

the Clarence E. Barclay Campaign Committee contract for advertising with STATION WKRG?

INTERROBATORY THREE

If they did, who made the contract for said campaign committee?

INTERROGATORY FOUR

Did you pay Two Hundred Forty-nine Dollars (\$249.00) to Station WKRG for advertising for the Clarence E. Barclay Campaign Committee?

INTERROGATORY FIVE

Did you file a statement listing campaign expenses for Clarence E. Barclay's candidacy?

INTERROGATORY SIX

If so, did you list the account with Station WKRG, the claimant?

INTERROGATORY SEVEN

As Treasurer of the Clarence E. Barclay Campaign Committee, did you take credit as expenditures the two checks upon which this suit is brought?

KENNETH R. CIDDENS,  
SHIRLEY KONRAD, and  
TRAVIS J. RESTER, JR.,  
a partnership  
doing business as  
WKRC RADIO STATION,

Plaintiffs

vs.  
ROBERT R. NAHEGANG

Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

No. 2424

Comes the Defendant, Robert R. Nahgang, and for answers to  
interrogatories propounded by the Plaintiff in the above styled cause  
says unto this Honorable Court as follows:

1.

As to interrogatory number one the answer is no.

2.

As to interrogatory number two, inasmuch as I was not treasurer the  
actions of the committee were no concern of mine.

3.

As to interrogatory number three same is answered in view of my answer  
to interrogatory number one.

4.

As to interrogatory number four my answer I have no recollection.

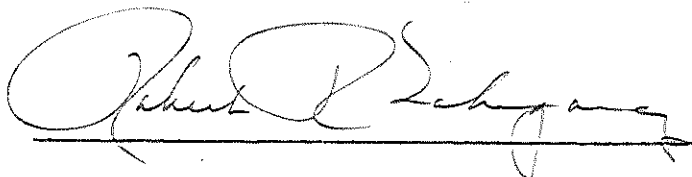
5.

As to interrogatory number five my answer is no.

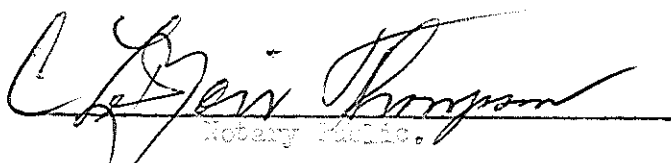
6.

As to interrogatory number six same is answered by my answer to number  
five.

As to interrogatory number seven same is answered, by the answer to  
number one.



Sworn to and subscribed before me this the 5 day of March 1955.

  
Notary Public.

KENNETH R. GIDDENS, SHIRLEY  
KONRAD, and TRAVIS J.  
RESTER, JR., A Partnership  
d/b/a WKRG RADIO STATION

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

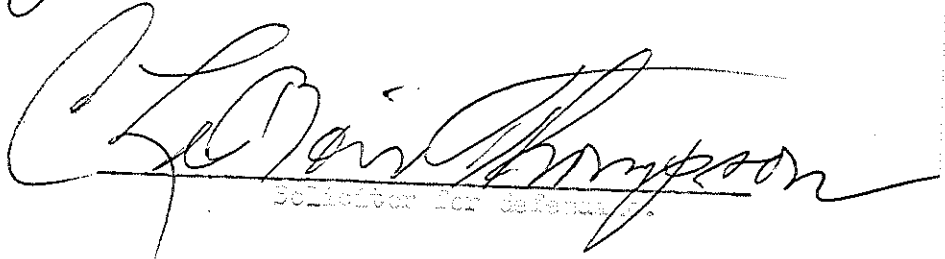
VS  
ROBERT R. NAHRGANG

PLAINTIFF  
DEFENDANT

APPEAL

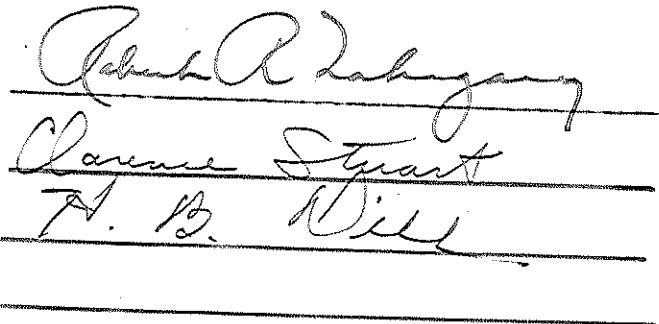
Now comes the defendant in the above entitled cause and appeals to the  
Court of Appeals of the State of Alabama from  
the judgment of the Circuit Court of Baldwin County, Alabama, rendered in  
this cause on the 17th day of May, 1955.

Dated this 8 day of June, 1955.

  
Solicitor for Defendant

SECURITY FOR COSTS OF APPEAL

The defendant, Robert R. Nahrgang, having appealed to the  
Court of Appeals, of the State of Alabama from the judgment  
of the Circuit Court of Baldwin County, Alabama, rendered in this cause on  
May 17, 1955, I hereby acknowledge appeal security for costs of this appeal.

  
Robert R. Nahrgang  
Clarence Stuart  
H. B. Will

approved this  
8th day of June 1955  
Alice J. French  
Clerk



KENNETH R. GIDDENS,  
SHIRLEY KONRAD, and  
TRAVIS J. RESTER, JR.,  
a Partnership doing business as  
WKRG RADIO STATION

Plaintiffs

vs

ROBERT R. NAHRGANG

Defendant

IN THE CIRCUIT COURT

OF

BALDWIN COUNTY, ALABAMA

IN LAW

Comes the Defendant and for answer to said complaint and to each count thereof separately and severally shows unto this Honorable Court as follows:

I

As to count one he denies the allegations thereof.

II

As to count two he denies the allegations thereof.

III

As to count three he denies the allegations thereof.

IV

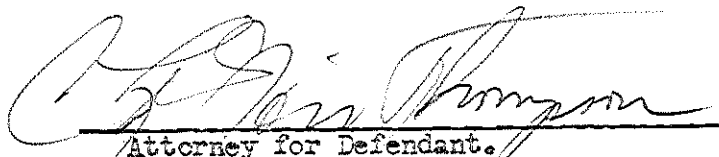
Defendant avers that the merchandise sued on as alleged in count one was not delivered by the Plaintiff to the Defendant thereby constituting a failure of consideration.

V

Defendant avers that there was no delivery of merchandise as consideration for the alleged check as set forth in count two thereby constituting a failure of consideration.

VI

Defendant avers that there was no deliver of merchandise as consideration for the alleged check as set forth in count three thereby constituting a failure of consideration.

  
Attorney for Defendant.

LAW OFFICES

RICKARBY & RICKARBY

ELLIOTT G. RICKARBY  
(DECEASED)

FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

October 9, 1954

Mrs. Alice Duck  
Bay Minette, Ala.

Dear Mrs. Duck:

In Re: WKRG  
Vs: Robert R. Nahrgang

Enclosed find Summons and Complaint which we ask that you have processed and serve, and oblige.

I have not enclosed ~~cost~~ because the client is a resident of the State of Alabama.

Yours very truly,



E. G. Rickarby, Jr.

EGR:eb  
cc: Mr. Allen Cameron  
Mobile, Ala.

LAW OFFICES  
RICKARBY & RICKARBY  
FAIRHOPE, ALABAMA

E. G. RICKARBY, JR.

7 January 1955

Mrs. Alice J. Duck  
Clerk Circuit Court  
Bay Minette, Ala.

Dear Mrs. Duck:

Re: WKRG  
Vs: Robert R. Nahrgang  
No: 2414

With this we are handing you demurrers and interrogatories  
in the above case.

Mr. Thompson is the attorney for the Defendant. Please  
notify him and oblige.

Yours very truly,

  
E. G. Rickarby, Jr.

R/i  
cc: Mr. Allan R. Cameron  
3014  
Encls: 4

THE STATE OF ALABAMA }  
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the .....  
.....<sup>2</sup>th. ....<sup>day</sup> Monday in May, 194<sup>55</sup>, in a cer-  
tain cause in said Court wherein W. K. R. G. RADIO STATION  
..... Plaintiff, and ROBERT R. NAHRGANG  
..... Defendant, a judgment was rendered against said  
ROBERT NAHRGANG  
to reverse which ..... Judgment ....., the said ROBERT NAHRGANG  
.....  
.....  
applied for and obtained from this office an APPEAL, returnable to the NEXT  
Term of our COURT OF APPEALS ..... ~~Court~~ of the State of Alabama, to be held at Montgomery,  
on the ..... day of ....., 194..... next, and the necessary bond  
having been given by the said ROBERT NAHRGANG  
..... with CLARENCE STUART and H. B. DILL....., sureties,

Now, You Are Hereby Commanded, without delay, to cite the said .....

W. K. R. G. RADIO STATION ..... or RICKARBY & RICKARBY  
....., attorney, to appear at the NEXT Term of our  
said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 9th.....  
day of JUNE....., A. D., 194<sup>55</sup>

Attest:

Alice J. Duck, Clerk.

SUPERSEDING JUDG

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Robert R. Nibergang,  
as Principal, and the undersigned Clarence Stuart and H. B. Dill

as Sureties, are held and lawfully bound unto Kenneth R. Giddens, Shirley Conrad,  
and Travis J. Rester, Jr., A Partnership doing business as WERO RADIO STATION,  
in the full sum of Three Hundred Fifty-three (\$353.00) Dollars, for the payment  
of which well and truly to be paid and done, the Principal and Sureties bind  
themselves, their heirs, executors and administrators.

Sealed with our seals and dated on this the 8 day of June, 1955.

The condition of the above obligation is such that, whereas, Kenneth R.  
Giddens, Shirley Conrad, and Travis J. Rester, Jr., a Partnership doing  
business as WERO RADIO STATION, obtained a judgment in the above styled cause  
in the Circuit Court of Baldwin County, Alabama, in Civil, on the 17th day  
of May, 1955, from which judgment the said Robert R. Nibergang has obtained  
an appeal, returnable to the next term of the Court of Appeals  
of Alabama. Now, therefore, if the said Robert R. Nibergang shall prosecute  
the said appeal to effect and satisfy such judgment as may be rendered against  
him in the said cause by the said Court of Appeals  
then this obligation is to be null and void; otherwise, to remain in full  
force and effect.

IN WITNESS WHEREOF, the Principal and Sureties have hereunto set their  
hand and affixed their seal, on this the day and year first above written.

Robert R. Nibergang (S241)  
Clarence Stuart (S241)  
H. B. Dill (S241)  
\_\_\_\_\_  
(S241)

Approved this  
8th day of June 1955  
Arling J. Ruck  
Clerk

Div. No. \_\_\_\_\_ CERTIFICATE OF APPEAL (Civil Cases)

No. 2414 BALDWIN County, Circuit Court.

W. K. R. G. RADIO STATION

Plaintiff

vs.

ROBERT NAHRGANG

Defendant

I, ALICE J. DUCK, Clerk of CIRCUIT Court,  
of BALDWIN County, Alabama, hereby certify that in the cause of

W. K. R. G. RADIO STATION

Plaintiff, \_\_\_\_\_,

vs.

ROBERT NAHRGANG

Defendant, \_\_\_\_\_,

which was tried and determined in this Court, on the 17th. day of May 19 55.

in which there was a judgment for One Hundred Seventy Six and 58/100 (\$176.58) Dollars, in favor of the Plaintiff,

(or judgment for Defendant), the Defendant 3d. on the 9th. day of June

19 55 took an appeal to the Court of Appeals 200000 of Alabama to be holden of and for said State.

I further certify that ROBERT NAHRGANG filed  
security for cost of appeal, to the COURT OF APPEALS 3d. Court, on the 9th. day of June  
19 55, and that Clarence Stuart and H.B. Dill

are sureties on the appeal bond.

I further certify that notice of the said appeal was, on the \_\_\_\_\_ day of June  
19 55, served on RICKARBY & RICKARBY as attorney of record for said  
appellee, and that the amount sued for was \$176.58 Dollars.  
(or certain lands) (or personal property)

Witness my hand and seal of this Court, this the 9th. day of June 19 55.

ALICE J. DUCK,

Clerk of the Circuit Court of

BALDWIN

County, Alabama