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

AT LAW

No. 2414

RULING ON PLAINTIFF'S DEMURRERS TO DEFENDANT'S PLEAS

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

ORDERED, ADJUDGED and DECREED that the demurrers 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 M day of January, 1955.

FILED 12-5-4 Mexician

Hubert M. Hall, Circuit Judge.

REDEETH R. GIDDERS,	Ž	
SHIRLEY KOMMAD, and TRAVIS J. RESTER, JR.,	Ž	
A Partnership doing business as WIRG RADIC STATION,	ž	IN THE CERCUIT OF ORT OF
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ಪ ಮಾಡಿಕೊಂಡು ಬಹುಬೇಕೆ ಅವೆ 5 No	λ .	AT TAKE
VS	ý	
ROBE-T R. HAMROAFO,	ŷ	
DEFINARY.	X	The state of the second

Comes the Defendant in the above styled cause and denurs to each and every Count thereof separately and severally and for denurrer 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.

1.

That Count Two of said Complaint constitut's 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 De Antonia

Defendant demands a trial by Jury.

tion for the Defendant

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

AT LAW No, 2414

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: Colon

E. G. Rickarby, Jr., Attorney for Plaintiff. KENNETH R. GIDDENS, SHIRLEY KONRAD, and TRAVIS J. RESTER, JR.,

a Partnership doing business as WKRG RADIO STATION,

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

No. 2414

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.

Affior

Subscribed and sworn to before me this the day of January, 1955.

Notary Public, Baldwin County, Alabama.

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?

INTERROGATORY 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?

MENNETH R. GIDDENS, SHIRLEY KCKRAD, and TRAVIS J. RESTER, JR., a partnership doing business as WKRG RADIC STATION,

Plaintiffs

IN THE CLEANING COURT OF BALLWIN OCUMEN, ALABAMA

AT TANK

No. 2111

DORRET D. MARRONNO

Defendant

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

...

As to interrogatory number one the answer is no.

2.

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

٥.

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

1.

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

5.

- As to interrogatery number five my answer is no.

6.

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

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

Jahred Zahara

Sworm to and subscribed before me this the 5 day of Onach 1955.

Cherr thompson

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

PLAINTIFF

VS

RCBERT R. NAHRGANG

DEFENDANT

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

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approved this gu day of June 195'5' alie Juliek James Street

A. B. Dill

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

Plaintiffs

٧S

ROBERT R. NAHRGANG

Defendant

IN THE CIRCUIT COURT

Œ

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:

è

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.

ELLIOTT G. RICKARBY

RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

October 9, 1954

E. G. RICKARBY, JR.

Mrs. Alice Duck Bay Minette, Ala.

Dear Mrs. Duck:

In Re: WKRG Vs: Robert R. Mahrgang

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

I have not enclosed coe 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.

A Arra

RICKARBY & RICKARBY

FAIRHOPE, ALABAMA

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:

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	\$th.	Weyday	in M	ay , 194	/55, in a cer-
in cause in said C	ourt-wherein	J.K.R.G.RADIO	STATION	***********	
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	<u> </u>	Defenda	ant, a judgmen	t was rendere	d against said
ROBE	RT NAHRGANG			···	
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reverse which	Judgment	, the said	ROBERT	NAHRGANG	
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aving been given b	_				
Now, You A	re Hereby Comma	anded, without de	elay, to cite th	e said	•••••••••••
W. K. R. G. RA	DIO STATION	or RI	CKARBY & RIC	KARBY	
The second secon	, attorney, to app	ear at the	NEXT		Term of ou
said Supreme Cour	t, to defend agains	t the said Appea	l, if they	think	proper.
Witness, AL	ICE J. DUCK, Cleri	k of the Circuit (Court of said C	ounty, this	9th
lay ofJUNE	, A. D.,	194.55			

Attest:

ancef. hence Clerk

and Dravis J. Sester, Jr., A Faithfership doing business as THES RICE STATES in the full sum of Three Burning Tilty-three (\$550.00) Delians, for the yayas of which well and truly to be made and dran the Principal and Sureties bind themselves, their being, executors and administrators. Sealed with our moule and dated on this the J day of fame, 1957. The condition of the above coligation is such that, beens, leaded R. Diddens, Shirlay Hourad, and Twavis J. Rester, Jr., a featureship doing business as Mild RIDE STATES, obtained a judge of in the above styled cause in the Strout Court of Enjoying daring damag, alabara, in Civil, on the lith cay of May, 1955, from which judge not the said Scharb R. Habryang has obtained an arread, returning to the ment the said Rebert R. Habryang has obtained an arread. How, Vassifiers, if the said Rebert R. Habryang half prosecute the said opposite to effect and esticity such judgment as day be readered agains which this obligation is to be half and void; observing, by varian in full force and effect. If the said cause by the trinsipal and Sureties have harounte set their hand and affined their seal, on this the day and year first above written. Charles The Alabayan (3) Claume Turk Above Williams (3) Claume Turk Above Williams August A	as Sumsties, are held and limi	ly kemad cate Tamasta 2. Giddens, Shirl	.ey Tanna
of which well and bruly to be made and done, the Frincipal and Sureties bind themselves, their beins, executors and administrators. Seeled with our scale and dated on this the I day of fune, 1955. The condition of the above obligation is such that, becase, Tenunth R. Siddens, Shirley Henrad, and Travis J. Bester, Jr., a Ferterment doing business as TERO RIBIC STATION, obtained a judgment in the above styled cause in the dirout Ocurt of Enlawin County, Alabara, in Civil, on the 17th day of May, 1955, from which judgment the said Report R. Habrary has obtained at May wreal, returnable to the ment them of the Court of Appeals of Alabara. Now, therefore, if the said Report R. Religious deall proceembe the said appeal to offer and satisfy such judgment as may be rendered agains him in the said cause by the said Court of Appeals. The ITHESE MARKET, the Principal and Sureties have barounte set their hand and affined their seal, on this the day and your first above written. And Alabara (3) Cause Stuart	and Travis t. Bestein traj Ale	oltus DEMI es esenicud grico giderentra	: statici
Sealed with our scale and dated on this the S day of June, 1985. The condition of the above obligation is such that, becaus, Teamith R. Siddens, Shirlay Henrad, and Travic J. Bester, Jr., a Farthership delay business as TERO RIBEC STITION, obtained a judgment in the above styled cause in the Gircuit Court of Ealdmin County, Alabama, in Civil, on the 17th day of May, 1985, from which judgment the said Rebert B. Habryang has obtained an appeals. For marking to the next farm of the Court of Appeals of Alabama. Now, Wherefore, if the said Rebert B. Makeying chall prospects the said appeal to offert and satisfy such judgment as may be rendered agains him in the said cause by the said Court of Appeals. The unitable Millert, the Principal and Sursties have become written. And Adapta (S. Cause Studies their seal, on this the day and year Thret above written.	in the full sum of Three Hundr	ad Pilty-bhree (\$353.90) Dellars, for 8	no paymo
Souled with our scale and dated on this the Scar of fune, 1995. The condition of the above obligation is such that, hereas, Termath R. Giddens, Shirley Horrad, and Travis J. Rester, Jr., a Partnership Scing business as THRO RIDIO STATION, obtained a judgment in the above styled cause in the Gircuit Occur of Haldrin County, Alabama, in Civil, on the 17th day of May, 1955, from which judgment the said Rebert R. Halogung has obtained by arread, returnable is the mant ten said Rebert R. Halogung chall producte the said appeals of Alabama. How, Whatsicre, AI the said Rebert R. Halogung chall produce the said appeal to effect and satisfy such judgment as tay be rendered agains him in the said cause by the said Court of Appeals then this obligation is to be much and void; otherwise, to various in fail force and effect. IN VITUDES WHEREST, the Principal and Suration have harounte set their hand and actived their seal, on this the day and year first above written. Change Surat	of which well and truly to be :	made and done, the Principal and Sureti	es Vind
The condition of the above obligation is such that, 'we are, Termith R. Giddens, Shirley Horrad, and Travis J. Rester, Jr., a Fartnerson Joing business as THRO RIDIO STATION, obtained a judgment in the above styled cause in the Sirouit Court of Haldwin Jounty, Alabama, in Civil, on the 17th day of May, 1955, from which judgment the said Rebort R. Hahrgary has obtained on appeals, retypholic to the next term of the	therselves, their beirs, emoun	tors and edninistators.	
The condition of the above obligation is such that, 'we are, Termith R. Giddens, Shirley Horrad, and Travis J. Rester, Jr., a Fartnerson Joing business as THRO RIDIO STATION, obtained a judgment in the above styled cause in the Sirouit Court of Haldwin Jounty, Alabama, in Civil, on the 17th day of May, 1955, from which judgment the said Rebort R. Hahrgary has obtained on appeals, retypholic to the next term of the	Sealed with our scals and	dated on this the 8 day of fune	_ , 1995
business as THRO RIDIO STATION, obtained a judgment in the above styled cause in the Gircuit Count of Baldwin County, Alabama, in Civil, on the 17th day of Bay, 1955, from which judgment the said Rebert R. Habramy has obtained an appeal. Form which judgment the said Rebert R. Habramy has obtained the said appeal to offect and catisfy such judgment as key be rendered agains him in the said cause by the said Court of Appeals. Then this objigation is to be hull and void; otherwise, be varied in fail. Scree and effect. In MITHRES WIRREST, the Principal and Sursties have harmanic set their hand and affired their seal, on this the day and year first above written. Character States.			
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hand and affired their seal, on this the day and year throt shows written. Call Alaga (8) Caregree Struck	Scree and effect.		
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Div. No	CERTIFICA:	re of appeal (Civil Cases)	A BUTCH AND
No. Zhli	BALDWIN	County, Circui	t Court.	
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J. K. R. G. RADIO STATION		.*		ALVIER PROPERTY OF THE PROPERT
Plaintiff vs.		•		As a second seco
ROBERT NAHRGANG	Treasures con a control of the contr	The American Control of the Control		an army or a fire a constant
Defendant				
I, ALICE J. DUCK	, Clerk o	of GIRCUIT	Court,	
fBALDWIN	————County, Alab	ama, hereby certify that	n the cause of	
w. K. R. G. B	· ·			
	vs.		-Plaintiff,	
ROBERT NAMEGANG			-Defendant,	
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which there was a judgment for One				
the state of the s	우셨) _	f the Plaintiff,	ed i
or judgment for Defendant), the Def		day of June		
55 took an appeal to the court of	Appeals XXXXX of Al	abama to be holden of and	for said State.	A market specific for the specific spec
	PERT NAHRGANG			
I further certify that RO	The second of the control of the second of t		filed	
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55 , and that Clarence St	wart end H.B. Dill			
re sureties on the appeal bond.	dien in de la company de l La company de la company d		:	
I further certify that notice of the s	aid appeal was, on the	——day of ——June		
55, served on RICKARRY & RI	CKASBY	as attorney of red	cord for said	
opelice, and that the amount sued for w	ras\$176.58		Dollars.	
r certain lands) (or personal propert	ty) jugan			*
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Witness my hand and seal of this Co	ourt this the 9th.	June	1955	-
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	ALICE J. D	UCK,		
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