

STATE OF ALABAMA }
BALDWIN COUNTY }

2434
BOOK 003 PAGE 226

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summons GRAHAM OIL COMPANY, a corporation, to appear in the Circuit Court of Baldwin County, Alabama, at the place of holding the same, within thirty days of the service of this writ; then and there to answer the complaint of Dera F. Woodward.

Witness my hand this 5th day of November, 1954.

David J. Smith
Circuit Clerk.

COMPLAINT

DERA F. WOODWARD,
PLAINTIFF.

vs.

GRAHAM OIL COMPANY,
a corporation,
DEFENDANT.

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

COUNT ONE

The plaintiff claims of the defendant TWENTY-FIVE THOUSAND(\$25,000.00) DOLLARS as damages for that she avers that on, to-wit, the 30th day of August, 1954, the plaintiff was lawfully her automobile on U.S. highway 31 at a point approximately 3 miles south of Bay Minette, Alabama in Baldwin County, Alabama, and that at said time and place the agent, servant, or employee of the defendant, while acting within the line or scope of his employment as such agent, servant or employee of the defendant so negligently operated a motor truck belonging to the defendant as to run said motor truck upon or against the automobile of the plaintiff and by reason thereof and as the proximate result thereof the plaintiff's automobile was wrecked, broken, bent, smashed, and practically demolished and the plaintiff received personal injuries in this, to-wit: she was mashed and bruised, she was internally injured, she was permanently injured, she lost and continues

to lose much time from her work, she was caused to spend large sums of money for hospital and medical treatment, she was caused to suffer and continues to suffer great mental and physical pain, And plaintiff alleges that all of said injuries and damages were proximately caused by the negligent operation of said motor truck by the defendant's agent, servant or employee while acting within the line or scope of his employment, for all of which the plaintiff claims damages as aforesaid.

COUNT TWO.

The plaintiff claims of the Defendant TWENTY-FIVE THOUSAND(\$25,000.00) DOLLARS as damages for that she avers that on, to-wit, the 30th day of August, 1954, the plaintiff's automobile was lawfully being driven along U.S. Highway 31, at a point about 3 miles south of Bay Minette, Alabama, in Baldwin County, Alabama, and that at said time and place the agent, servant, or employee of the defendant, while acting within the line or scope of his employment wilfully or wantonly injured the plaintiff by wilfully or wantonly running a motor truck upon or against the plaintiff's automobile and as a proximate result thereof plaintiff's automobile was broken and bent, its fenders and side was smashed and it was practically demolished; and plaintiff received personal injuries in this, to-wit: her body was bruised and made sore, she was injured internally, she was permanently injured, she was caused to spend large sums of money for hospital and medical treatment, she has lost and continues to lose much time from her work, she was caused to suffer and continues to suffer great mental and physical pain, for all of which she claims damages as aforesaid. And plaintiff claims punitive damages.

W.C. Owens
Attorney for plaintiff.

Plaintiff request a trial by a jury.

FILED

11-5-44

ALICE J. DUCK, Clerk

W.C. Owens
Attorney for Plaintiff
Monroeville, Alabama

Received by Sheriff
on 5 day of Nov 34

Served on
J. S. Jones 11/6-1934
By C. Shanks D.S.

Received ~~the~~ day of _____ 19____
and on 16 day of Nov 1934
I served a copy of the within on J. S. Jones
on Shanks & Co., A.C.

By service on J. S. Jones -
cost ~~monroe~~
Shanks & Co., Sheriff
By Charles E. Shanks D.S.

720 2-4 34 *Shanks*

DEBA. F. WOODWARD,
Plaintiff
vs.
GRAHAM OIL COMPANY,
a corp.
Defendant.

IN THE CIRCUIT COURT
OF BALDWIN COUNTY, ALA.

SUMMONS AND COMPLAINT

FILED

11-5-34
MAG. J. WOOD, Clerk

Winbell C. Owens
Monteville, Ala.
Attorney for Plaintiff

DEBRA F. WOODWARD,

Plaintiff,

vs.

GRAHAM OIL COMPANY, A
Corporation,

Defendant.

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I AT LAW NO. 2434

I

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Comes now the Defendant, Graham Oil Company, A Corporation, by its attorneys, and demurs to the complaint heretofore filed against it and to each count thereof separately and severally and assigns the following separate and several grounds:

1. That said complaint does not state a cause of action.

2. That Count One of said complaint fails to allege a duty owing from the Defendant to the Plaintiff.

3. From aught that appears from said complaint there was no duty owing from the Defendant to the Plaintiff.

4. That said complaint fails to allege that the alleged injuries were the proximate result of any negligence on the part of this Defendant or its agents.

5. That said complaint fails to allege that the alleged injuries were the proximate result of any wantonness on the part of this Defendant or its agents.

6. That said complaint is vague and indefinite.

7. From aught that appears from said complaint the Plaintiff was not present at the time and place complained of.



FILED

Dec. 2, 1957

ALICE J. DUCK, Clerk

Respectfully submitted,

CHASON & STONE

By:

Melvin P. Stone
Attorneys for Defendant.

DERA F. WOODWARD,
Plaintiff,

vs.

GRAHAM OIL COMPANY, A Corporation,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2434

DEMURRER

FILED

DEC 2 1954

ALICE J. DICK, *Register*

LAW OFFICES

CHASON & STONE
BAY MINETTE, ALABAMA

WINDELL C. OWENS

Attorney At Law

MONROEVILLE, ALABAMA

November 3, 1954

Clerk, Circuit Court
Baldwin County
Bay Minette, Alabama

Dear Sir:

I am enclosing an original and copy of a summons and complaint to be filed in your Court. I will appreciate your placing this suit on file and placing the copy in the hands of the Sheriff for service upon the defendant. The home office of the defendant corporation is at Atmore, Alabama.

Thanking you, I am,

Yours very truly,


Windell C. Owens