

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2172

TERM, 19

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John Paul Rehanna

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

John Paul Rehanna

, Defendant.

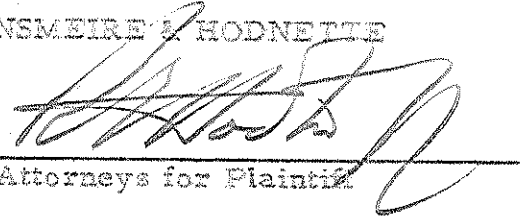
by Clean Products Company, Inc., A Corporation

, Plaintiff.

Witness my hand this 11th day of December 1951

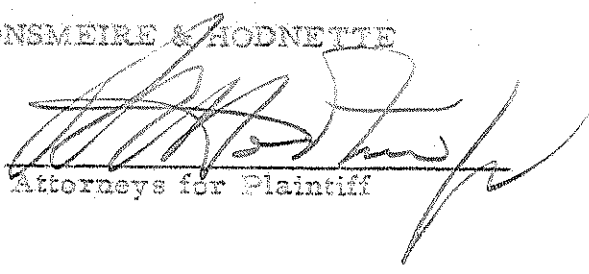
W. J. H. H. H., Clerk

TONSMEIRE & HODNETTE

By 
Attorneys for Plaintiff

The plaintiff demands a trial of this cause by jury.

TONSMEIRE & HODNETTE

By 
Attorneys for Plaintiff

1001
= Serve defendant by serving

=
Secretary of State, Montgomery, Alabama
under Title 7, Section 200, Code of
Alabama, 1940

Defendant: John Paul Behanna
187 Bloom Street
Highland Park, Illinois

CLEAN PRODUCTS COMPANY,
INC., a corporation,

Plaintiff,

vs.

JOHN PAUL BEHANNA,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2472

DEMURRER TO COMPLAINT

Comes the defendant in the above styled cause and demurs to plaintiff's complaint and to each count thereof, separately and severally, and for grounds of said demurrer, sets down and assigns the following, separately and severally, to-wit:

1. The complaint does not state a cause of action against the defendant.

2. For that said count does not state a cause of action against the defendant.

3. For that there is a misjoinder of causes of action in the complaint.

4. For that there is a misjoinder of causes of action in said count.

5. For that aught appearing from the averments of said count, this defendant breached no duty owing to the plaintiff on the alleged occasion.

6. For that it affirmatively appears from the averments of said count that this defendant owed no duty to the plaintiff on the alleged occasion.

7. For that the averments of said count are but mere conclusions of the plaintiff.

8. For that the averments of said count are too vague, indefinite and uncertain properly to apprise the defendant of what it is called upon to defend against.

9. For that the quo modo of the negligence asserted is not sufficiently indicated or described in said count.

10. For that the date and place of the accident from which the suit arose is not sufficiently described in said count.

11. For that trespass and trespass on the case are attempted to be set up in one and the same count.

12. For that it is not sufficiently alleged in said count that the negligence ascribed was the proximate cause of the injuries and damages complained of.

13. For that the wanton conduct charged is alleged to be of the act rather than the injury.

JACKSON, RIVES, PETTUS & PETERSON

By

Ja Jackson
Attorneys for Defendant

CLEAN PRODUCTS COMPANY, INC.) IN THE CIRCUIT COURT
a corporation

Plaintiff

VS

JOHN PAUL BEHANNA

Defendant

) OF BALDWIN COUNTY,

) ALABAMA

) AT LAW

) NO.

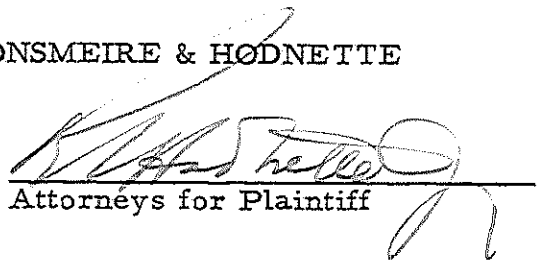
COUNT ONE

The plaintiff claims of the defendant the sum of Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the agent, servant or employee of the defendant, acting within the line and scope of his authority as such, so negligently operated a motor vehicle westwardly on U. S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

COUNT TWO

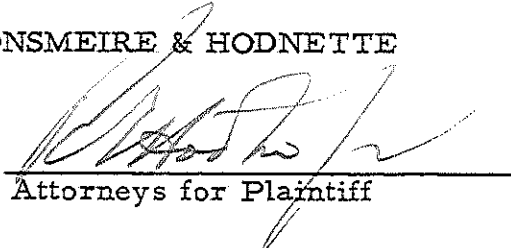
The plaintiff claims of the defendant the sum of Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the defendant so negligently operated a motor vehicle westwardly on U. S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

TONSMEIRE & HODNETTE

By 
Attorneys for Plaintiff

The plaintiff demands a trial of this cause by jury.

TONSMEIRE & HODNETTE

By 
Attorneys for Plaintiff

Serve defendant by serving

Secretary of State, Montgomery, Alabama
under Title 7, Section 200, Code of
Alabama, 1940

Defendant: John Paul Behanna
187 Bloom Street
Highland Park, Illinois

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. 2472

-----TERM, 19-----

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon John Paul Behanna

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

John Paul Behanna, Defendant

by Clean Products Company, Inc., A Corporation

-----, Plaintiff

Witness my hand this 11th day of December 1954

Alvin J. Busch, Clerk

CLEAN PRODUCTS COMPANY, INC.)	IN THE CIRCUIT COURT
a corporation	
Plaintiff) OF BALDWIN COUNTY,
) ALABAMA
VS.) AT LAW
JOHN PAUL BEHANNA) NO.
Defendant	

Comes the plaintiff in the above styled cause and files this its
amended complaint:

COUNT ONE

The plaintiff claims of the defendant the sum of Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the agent, servant or employee of the defendant, acting within the line and scope of his authority as such, so negligently operated a motor vehicle westwardly on U. S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, which damage included a badly bent frame, severe damage to cab, panel, fender, bumper, grill, radiator, fan, front springs, right front headlight, drive line, compression shaft, saddle tank, tires, steering assembly, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

COUNT TWO

The plaintiff claims of the defendant the sum of Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the defendant so negligently operated a motor vehicle westwardly on U. S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway

in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, which damage included a badly bent frame, severe damage to cab, panel, fender, bumper, grill, radiator, fan, front springs, right front headlight, drive line, compression shaft, saddle tank, tires, steering assembly, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

COUNT THREE

The plaintiff claims of the defendant the sum of Ten Thousand and No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the agent, servant or employee of the defendant, acting within the line and scope of his authority as such, and while the motor vehicle which he was driving was under the personal supervision, care and control of the defendant who was riding in said vehicle at said time, so negligently operated the said motor vehicle which was then being driven by him westwardly on U. S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway in Baldwin County, Alabama, as to cause or allow the same to run into, upon or against the vehicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, which damage included a badly bent frame, severe damage to cab, panel, fender, bumper, grill, radiator, fan, front springs, right front headlight, drive line, compression shaft, saddle tank, tires, steering assembly, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

COUNT FOUR

The plaintiff claims of the defendant the sum of Ten Thousand and

No/100 Dollars (\$10,000.00) as damages for that heretofore and on, to-wit, the 2nd day of February, 1954, the defendant so negligently allowed a motor vehicle which was under his care and control in which he was riding and which was being driven in a westwardly direction on U.S. Highway 90 at a point, to-wit, 8.4 miles east of Robertsedale, which said highway at said point was a public highway in Baldwin County, Alabama, to be operated as to cause or allow the same to run into, upon or against the vheicle of the plaintiff which was then and there being driven eastwardly on said highway at said time and place, and as a direct and proximate result of said negligence the plaintiff's vehicle was badly bent and damaged, which damage included a badly bent frame, severe damage to cab, panel, fender, bumper, grill, radiator, fan, front springs, right front headlight, drive line, compression shaft, saddle tank, tires, steering assembly, and plaintiff lost the use of said vehicle for a long period of time; hence this suit.

TONSMEIRE & HODNETTE

By *Lora F. McZelden*
Attorneys for Plaintiff