

AMENDED COMPLAINT

HERSEY GUTHRIE )  
Plaintiff )  
vs. )  
ARTHUR W. CORSON )  
Defendant )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW  
NO. 2553

Comes the plaintiff in the above styled cause and  
amends his complaint as follows:

COUNT ONE

The plaintiff claims of the defendant the sum of \$3500.00 as damages for that heretofore on to-wit: August 27th, 1954, the plaintiff's wife was riding in an automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour-Foley Farm to Market road in Baldwin County, Alabama, which road is a public road and where she had a right to be, when the defendant negligently ran an automobile upon, or against the automobile in which the plaintiff's wife was riding, and by reason thereof and as a proximate result and consequence thereof plaintiff's wife received severe personal injuries in this to-wit: she was made sick, sore and lame; she suffered multiple contusions of the chest, arms, body and legs; she suffered acute shock; she suffered and continued to suffer for a long period of time great mental anguish; she suffered and continued to suffer for a long period of time great physical pain; she was internally injured and permanently injured.

And the plaintiff avers that as the proximate result and consequence of the said injuries to his said wife, the plaintiff was caused to incur considerable expenses for medical, surgical and hospital treatment; the taking of x-rays; nurses attention; hospital room and board all in and about the treatment of his wife for her said injuries; that as the proximate result and consequence of said injuries to his said wife, the plaintiff was caused to incur expenses for a housekeeper and maid; that the plaintiff lost for a long period of time the society, consortium and services of his said wife, for all of which the plaintiff claims damages, hence this suit.

COUNT TWO

The plaintiff claims the further sum of the defendant of \$3500.00 as damages for that heretofore to-wit August 27th, 1954 the plaintiff's wife was riding in an automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour-Foley Farm to Market road, which roads are public roads and where she had a right to be when the defendant willfully or wantonly ran an automobile into, upon or against the automobile in which the plaintiff's wife was riding, and by reason thereof and as a proximate result and consequence thereof the plaintiff's wife was severely injured in this to-wit: she was made sick, sore and lame; she suffered multiple contusions of the chest, arms, body and legs; she suffered acute shock; she suffered and continued to suffer for long period of time great mental anguish; she suffered and continued to suffer for a long period of time great physical pain; she was internally injured and permanently injured.

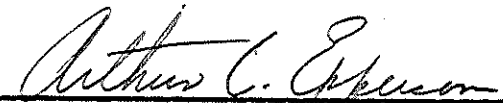
And the plaintiff avers that as the proximate result and consequence of the said injuries to his wife the plaintiff was caused to incur considerable expense for the following: medical, surgical and hospital treatment; the taking of x-rays; nurses attention; hospital room and board, all in and about the treatment of his wife for said injuries; the services of a housekeeper and maid and also as the proximate result and consequence of said injuries to his wife the plaintiff lost for a long period of time the society, consortium and services of his wife, for all of which he claims damages hence this suit.

### COUNT THREE

The plaintiff claims of the defendant the further sum of \$750.00 as damages for that heretofore, on to-wit, August 27th, 1954, the plaintiff's automobile was lawfully being driven along or upon Alabama Highway number 89 at or near the intersection with the Bon Secour- Foley Farm to Market road, which road is a public road in Baldwin County, Alabama and that then and there the defendant negligently ran an automobile into, upon or against the automobile belonging to the plaintiff and which he used in his business, and by reason of such negligence and as a proximate result and consequence thereof the plaintiff's automobile was severely damaged, bent and broken and the plaintiff was without the use of said automobile for a long period of time, all to his great damage hence this suit.

### COUNT FOUR

Plaintiff claims of the defendant the further sum of \$1000.00 as damages, for that heretofore on to-wit August 27th, 1954, the plaintiff's automobile which he uses in his business, was lawfully being driven along or upon Alabama Public Highway number 89 in Baldwin County, Alabama, at or near the intersection with the Bon Secour- Foley Farm to market road when the defendant willfully or wantonly drove an automobile into, upon or against the plaintiff's automobile and by reason thereof and as a proximate result and consequence thereof the plaintiff's automobile was severely damaged and the plaintiff was caused to expend money for the repair to his said automobile and for the hire of another automobile for his use in the conduct of his business, for all of which the plaintiff claims damages, hence this suit.

  
Attorney for the Plaintiff

HERSEY GUTHRIE,  
Plaintiff,  
vs.  
ARTHUR W. CORSON,  
Defendant.

I  
I  
I IN THE CIRCUIT COURT OF  
I BALDWIN COUNTY, ALABAMA  
I AT LAW NO. 2553  
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I

Comes now the Defendant in the above styled cause and demurs to the Amended Complaint heretofore filed in said cause and to each and every count thereof separately and severally and assigns the following separate and several grounds:

1. The Complaint fails to state a cause of action.
2. Count One of the Amended Complaint fails to state a cause of action.
3. Count One fails to allege that the alleged damages to the Plaintiff were the proximate consequence or result of the negligence of the Defendant.
4. Count One fails to allege that the negligence of the Defendant was the proximate cause of the alleged damages of the Plaintiff.
5. The allegations contained in Count One of the Amended Complaint of the alleged injuries suffered by the wife of the Plaintiff are mere conclusions of the Pleader.
6. The allegations of Count One are vague, indefinite and uncertain.
7. Count One fails to allege that the injuries to his wife were the proximate consequence or result of any negligence on the part of the Defendant.
8. Count One fails to allege that the alleged negligence of the Defendant was the proximate cause of the alleged injuries to the wife of the Plaintiff.

9. For aught that appears from the allegations of Count One the alleged treatments and expenses incurred by the Plaintiff were not necessary or reasonable.

10. Count Two of the Complaint as amended fails to state a cause of action.

11. For aught that appears from the allegations of Count Two the alleged damages of the Plaintiff were not the proximate result of any willful or wanton act on the part of the Defendant.

12. Count Two fails to allege that the Defendant willfully or wantonly injured the wife of the Plaintiff.

13. For aught that appears from the allegations of Count Two the damages claimed by the Plaintiff were not reasonable or necessary of the Plaintiff.

14. The allegations of Count Two are vague, indefinite and uncertain.

15. Count Three fails to state a cause of action.

16. The allegations of Count Three fail to allege how the Plaintiff was damaged by the loss of the use of his said automobile.

17. The allegations of Count Three fail to allege in what manner the automobile of the Plaintiff was damaged.

18. Count Four fails to state a cause of action.

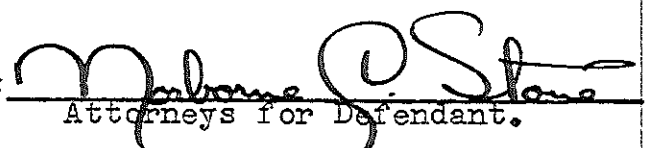
19. Count Four fails to allege that the Defendant willfully or wantonly damaged the automobile of the Plaintiff.

20. Count Four fails to allege in what respect or manner the Plaintiff's automobile was damaged.

21. For aught that appears from the allegations of Count Four it was not necessary that the Plaintiff hire another automobile for his use in the conduct of his business.

Respectfully submitted,

CHASON & STONE

By:   
Attorneys for Defendant.

RECORDED

HERSIY GUTHRIE,

Plaintiff,

vs.

ARTHUR W. CORSON,

Defendant.

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IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW NO. 2553

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DEMURRER

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FILED

JUN 14 1955

ALICE J. DUCK, CLERK

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

SUMMONS

STATE OF ALABAMA  
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA, GREETINGS:

You are hereby commanded to summon Arthur W. Corson, 248-98-00 Barin Field, Alabama, to appear and plead, answer or demur within thirty days from service hereof, to the complaint filed in the Circuit Court of Baldwin County, Alabama, at Bay Minette, Alabama, against Arthur W. Corson, by Hersey Guthrie.

Witness my hand this 3<sup>rd</sup> day of March, 1955.

  
Clerk

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COMPLAINT

HERSEY GUTHRIE )  
Plaintiff )

VS )

ARTHUR W. CORSON )  
Defendant )

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

COUNT ONE

The Plaintiff claims of the defendant the sum of \$3500.00 as damages for that heretofore on to-wit, August 27 1954, the plaintiff's wife the plaintiff's automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour Foley Farm to Market Road in Baldwin County, Alabama, which road is a public road and where she had a right to be, when the defendant negligently ran an automobile upon or against the automobile in which the Plaintiff's wife was riding, and by reason thereof and as a proximate result and consequence thereof Plaintiff's wife received sever personal injuries in this to-wit; Her chest was crushed; she was made sick, sore, and lame; she suffered multiple contusions of the chest, arms, body and legs; she suffered acute shock; she suffered and continuous to suffer great mental anguish and physical pain.

And the Plaintiff avers that as the proximate result and consequence of the injuries to his said wife the plaintiff was caused to incur considerable expenses for medical, surgical and hospital treatment; the taking of x-rays, nurses attention, doctors, etc, in and about the treatment of his wife; the services of a housekeeper and maid, and the plaintiff lost for a long period of time the society, consortium and services of his said wife, for all of which he claims damages hence this suit.

COUNT TWO

The plaintiff claims of the defendant \$3500.00 as damages for that heretofore to-wit August 27, 1954, the Plaintiff's wife was driving an automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour-Foley Farm to Market road, which roads are public roads and where she had a right to be when the defendant willfully or wantonly injured the Plaintiff's wife by running an automobile upon or against the automobile in which the plaintiff's wife was riding and by reason thereof and as a proximate result and consequence thereof plaintiff's said wife received sever personal injuries in this to-wit; her chest was crushed; she was made sick soe and lame; she suffered multiple contusions of the chest, arms, body and legs; she suffered acute shock; she suffered and continues to suffer great mental anguish

and physical pain.


And the plaintiff avers that as the proximate result and consequence of the injuries to his said wife the plaintiff was caused to incur considerable expense for medical, surgical and hospital treatment; the taking of x-rays, nurses attention doctors, etc. in and about the treatment of his said wife; the services of a housekeeper and maid, and the plaintiff lost for a long period of time the society, consortium and services of his said wife, for all of which he claims damages hence this suit.

COUNT THREE

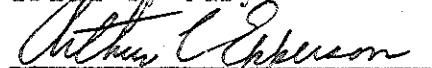
The plaintiff claims of the defendant the sum of \$ 750.00 as damages, for that heretofore, on, to-wit, August 27, 1954, plaintiff's automobile was lawfully being driven along Alabama Highway number 89 at or near the intersection with the Bon Secour-Foley Farm to Market road in Baldwin County, Alabama, and that then and there the defendant negligently ran and automobile into, upon or against the automobile of the plaintiff, as a proximate consequence thereof, plaintiff's automobile was severely damaged and the plaintiff was without the use of said automobile for a long period of time, all to his great damage, hence this suit.

COUNT FOUR

Plaintiff claims of the defendant the sum of \$1000.00 as damages, for that heretofore to-wit, August 27, 1954, plaintiff's automobile was lawfully being driven along Alabama Highway number 89 at or near the intersection with the Bon-Secour Foley Farm to market road in Baldwin County, Alabama, and that then and there the defendant wilfully or wantonly injured the plaintiff's automobile by running an automobile into, upon or against the automobile belonging to the plaintiff, as a proximate consequence whereof, plaintiff's automobile was greatly damaged and the plaintiff was without the use of said car for a long period of time, all to the plaintiff's great damage as aforesaid, hence this suit.

  
Attorney for Plaintiff

The Plaintiff Demands a  
Trial by Jury

  
Attorney for Plaintiff

HERSEY GUTHRIE,

Plaintiff,

vs.

ARTHUR W. CORSON,

Defendant

I

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I AT LAW NO. 2553

I

Comes now the Defendant in the above styled cause, by his attorneys, and demurs to the Complaint heretofore filed against him and to each count thereof, separately and severally, and assigns the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. The allegations of Count One of said Complaint are vague, indefinite and uncertain.
3. The allegations of the Complaint are vague, indefinite and uncertain.
4. The allegations of Counts One and Two setting forth the alleged injuries of the Plaintiff's wife are mere surplusage.
5. The allegations of said Complaint are vague, indefinite and uncertain in that the Plaintiff fails to allege the name of his said wife.
6. The allegations of Counts One and Two are vague, indefinite and uncertain.
7. For aught that appears from the allegations of Count Three of the Complaint the Plaintiff's automobile was not used in the business of the Plaintiff.
8. For aught that appears from the allegations of Count Four of the Complaint the automobile of the Plaintiff was not used in his business.
9. It does not appear from allegations of Counts Three and Four in what manner the Plaintiff's automobile was damaged.
10. The allegations of Count Four are mere conclusions of the Pleader.
11. Count Four of the Complaint fails to state a cause of action.



12. For aught that appears from the allegations of Counts One and Two of the Complaint the alleged expenses incurred by the Plaintiff were not the proximate result of any negligence on the part of the Defendant.

13. For aught that appears from the allegations of Counts One and Two of the Complaint the alleged loss of society, consortium and services of the Plaintiff's wife were not the proximate consequence of any negligence of the Defendant.

Respectfully submitted,

CHASON & STONE

By: Malcolm G. Stone  
Attorneys for Defendant.

2553

RECORDED

HERSIE GUTHRIE,

Plaintiff,

vs.

ARTHUR W. CORSON,

Defendant.

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IN THE CIRCUIT COURT OF

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AT LAW

NO. 2553

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DEMURRER

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FILED

APR 1 1955

ALICE J. BUCK, Clerk

LAW OFFICES

CHASON & STONE

BAY MINETTE, ALABAMA

HERSEY GUTHRIE )  
Plaintiff )  
VS )  
ARTHUR W. CORSON )  
Defendant )

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW  
NO. 2553

Comes the plaintiff in the above styled cause and  
ammends his complaint as follows:

Count One

The Plaintiff claims of the defendant the sum of \$3500.00 as damages for that heretofore on to-wit: August 27th, 1954, the Plaintiff's wife was riding in an automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour- Foley Farm to Market Road in Baldwin County Alabama, which road is a public road and where she had a right to be, when the defendant negligently ran an automobile upon, or against the automobile in which the plaintiff's wife was riding, and by reason thereof and as a proximate result and consequence of defendant's said negligent act, the plaintiff's wife received severe personal injuries and as the proximate result and consequence of the defendant's negligent act causing said injuries to the plaintiff's wife, the plaintiff was caused to incur considerable expenses for medical treatment; for surgical and hospital treatment; for the taking of x-rays; for nurses attention and for hospital room and board all in and about the treatment of his wife for said injuries. And the plaintiff further avers that as a result and consequence of the defendant's said negligent act cuasing said injuries to the plaintiff's wife, he was caused to incur expenses for a housekeeper and maid and that the plaintiff loss for a long period of time the society, consortium and services of his wife, for all of which the plaintiff claims damages, hence this suit.

Count Two

The plaintiff claims the further sum of the defendant of \$3500.00 as damages for that heretofore to--wit: August 27th 1954 the plaintiff's wife was riding in an automobile on Alabama Highway number 89 at or near the intersection with the Bon Secour- Foley Farm to Market Road, which roads are public roads and where she had a right to be when the defendant willfully or wantonly ran an automobile into, upon or against the automobile in which the plaintiff's wife was riding and by reason thereof and as a proxiamte result and consequence of said willful or wanton act, the defendant willfully or wantonly injured the plaintiff's wife, and the plaintiff avers that as a proximate result and consequence of the defendant's willful or wanton act and injury to the plaintiff's wife, he was caused to incur considerable expenses for the following: medical, surgical and hospital treatment; the taking of x-rays; nurses attention; hospital room and board; and services of a houskeeper and maid, all in and about the treatment of his wife for said injuries. The plaintiff further avers that as a proximate result and consequence of the defendants willful or wanton act and injury to his said wife, he lost the society, consortium and services of his wife for a long period of time, for all of which he claims damages, hence this suit.

### Count Three

The plaintiff claims of the defendant the further sum of \$750.00 as damages for that heretofore, on to-wit: August 27th, 1954, the plaintiff's automobile was lawfully being driven along or upon Alabama Highway number 89 at or near the intersection with the Bon Secour Foley Farm to Market Road, which road is a public road in Baldwin County, Alabama and that there and then the defendant negligently ran an automobile into, upon or against the automobile belonging to the plaintiff and by reason of such negligence and as a proximate result and consequence thereof the plaintiff's automobile was severely damaged and the plaintiff was caused to expend money for the repair to his said automobile and for the hire of another automobile for his use necessary to the conduct of his business, for all of which the plaintiff claims damages, hence this suit.

### Count Four

The plaintiff claims the further sum of the defendant of \$1000.00 as damages, for that heretofore on to-wit: August 27th, 1954, the plaintiff's automobile was lawfully being driven along or upon Alabama Highway number 89 at or near the intersection with the Bon Secour Foley Farm to Market Road, which road is a public road in Baldwin County, Alabama and that there and then the defendant willfull or wantonly drove an automobile into, upon or against the plaintiff's automobile and by reason thereof and as a proximate result of such willful or wanton act the defendant willfully or wantonly damaged the plaintiff's automobile severely and as a proximate result and consequence thereof, the plaintiff was caused to incur great expense for the repair of his automobile and for the hire of another automobile necessary for his use in the conduct of his business, for all of which the plaintiff claims damages, hence this suit.

  
Attorney for the Plaintiff