

2609

GORDON & JANSEN
ATTORNEYS AT LAW

1607-1610 MERCHANTS NATIONAL BANK BUILDING
MOBILE 11, ALABAMA

A. FLETCHER GORDON
VERNOL R. JANSEN, JR.

May 11, 1955

Mrs. Alice J. Duck, Clerk
Circuit Court of Baldwin County
Bay Minette, Alabama

Dear Mrs. Duck:

We enclose herewith original and two copies of complaint and summons to be filed in your court.

We will appreciate your acknowledging receipt of this complaint and your giving notice of the service of it in the manner usually followed by your office.

We certainly appreciate your consistently high degree of cooperation in these matters.

Very truly yours,

GORDON & JANSEN

BY 

VRJjr/pjb
Encls.

W. E. MOSS,

Plaintiff,

-vs-

JOHN R. CHILDRESS, and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA.

) AT LAW.

) CASE NO. _____

COUNT ONE

Plaintiff claims of the Defendants the sum of Two Hundred Fifty and NO/100 (\$250.00) Dollars as damages in this, that heretofore on to-wit: the 10th day of March, 1955, the Defendant John R. Childress, Jr., the agent, servant or employee of the Defendant John R. Childress, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle northwardly on Greeno Road, a public road in Baldwin County, Alabama, as to cause or allow said motor vehicle to collide with or run against the automobile of the Plaintiff which was then being driven in a northerly direction on said Greeno Road, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged, all to the injury of the Plaintiff, hence this suit.



ATTORNEYS FOR PLAINTIFF

STATE OF ALABAMA)
(
COUNTY OF BALDWIN)

CIRCUIT COURT

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon JOHN R. CHILDRESS, JR.
to appear within thirty days from service of this process in the Circuit
Court of Baldwin County, Alabama, at the place of holding same, then and
there to answer the complaint of W. E. MOSS.

Witness, Alice J. Duck, Clerk of said Court, this 14
day of May, 1955.

Attest: Alice J. Duck
Clerk

* * * * *

SHERIFF'S RETURN

Received _____ day of _____, 1955, and on
_____ day of _____, 1955, I served a copy of the within
complaint on John R. Childress, Jr. by service on _____.

SHERIFF

STATE OF ALABAMA))

CIRCUIT COURT

BALDWIN COUNTY))

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon John R. Childress to appear within thirty days from service of this process in the Circuit Court of Baldwin County, Alabama, at the place of holding same, then and there to answer the complaint of W. E. Moss.

Witness: Alice J. Duck, Clerk of said Court, this 14 day of May, 1955.

Attest: Alice J. Duck
Clerk

* * * * *

SHERIFF'S RETURN

Received ____ day of _____, 1955, and on ____ day of _____, 1955, I served a copy of the within complaint on John R. Childress by service on _____.

SHERIFF

W. E. MOSS,

Plaintiff,

vs.

JOHN R. CHILDRESS, and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

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I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I AT LAW NO. _____

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Come the Defendants in the above styled cause and demur to the complaint filed in the said cause and assign the following separate and several grounds, viz:

1. That said complaint does not state a cause of action.
2. That said complaint fails to sufficiently allege where the accident occurred.
3. That said complaint fails to allege that the accident occurred in Baldwin County, Alabama.
4. That said complaint does not sufficiently describe the damages to Plaintiff's automobile.
5. That it is not alleged in said complaint what parts of said Plaintiff's automobile was bent, broken and damaged.


Attorneys for Defendants.

W. E. MOSS,

Plaintiff,

-vs-

JOHN R. CHILDRESS and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

) IN THE CIRCUIT COURT

) OF BALDWIN COUNTY,

) ALABAMA.

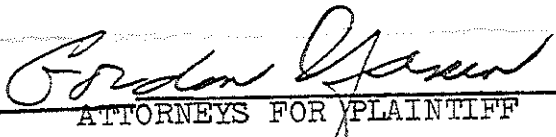
) AT LAW.

) CASE NO. _____

Comes now the Plaintiff in the above entitled cause and amends his complaint, heretofore filed herein, to read as follows:

COUNT ONE

Plaintiff claims of the Defendants the sum of Two Hundred Fifty (\$250.00) Dollars as damages in this, that heretofore on to-wit: the 10th day of March, 1955, the Defendant John R. Childress, Jr., the agent, servant or employee of the Defendant John R. Childress, while acting within the line and scope of his employment as such, so negligently operated a motor vehicle northwardly on Greeno Road, a public road in Baldwin County, Alabama, at a point approximately four miles south of Fairhope, Alabama, as to cause or allow said motor vehicle to collide with or run against the automobile of the Plaintiff which was then and there being driven in a northerly direction on said Greeno Road, and as a proximate consequence thereof, Plaintiff's automobile was badly bent, broken and damaged, the rear deck lid was bent, scraped, and mashed, the rear fender was broken loose and bent, the tail light, gravel deflector, end panels and tail pipe were damaged, and the Plaintiff lost the use of his automobile during the repair of his vehicle, all to the injury of the Plaintiff, hence this suit.


ATTORNEYS FOR PLAINTIFF

W. E. MOSS,

Plaintiff,

-vs-

JOHN R. CHILDRESS and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

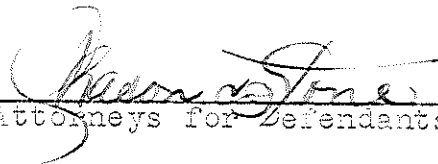
IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

NO. _____

Come the Defendants in the above styled cause and demur to Count One of the Complaint as amended, which said amended Complaint was filed in said Court on June 23, 1955, and assign the following separate and several grounds of demurrer, viz:

1. That said Complaint does not state a cause of action.
2. That the Greeno Road is alleged to be a public road in Baldwin County, Alabama, but said Complaint fails to allege that the accident occurred in Baldwin County, Alabama.
3. For aught that appears from said Complaint, the accident did not occur in Baldwin County,
4. That said Count claims damages for the loss of the use of Plaintiff's automobile during its repair but fails to allege the period of time for which such damages are claimed.
5. That said Complaint claims damages for the loss of use of Plaintiff's vehicle during its repair but fails to allege that he used such vehicle in business.


Attorneys for Defendants.

W. E. MOSS,
Plaintiff,

-vs-

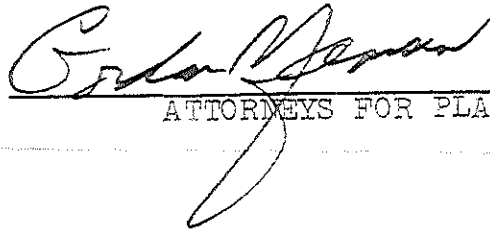
JOHN R. CHILDRESS and
JOHN R. CHILDRESS, JR.,
jointly and severally,
Defendants.

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In the Circuit Court of
Baldwin County,
Alabama.
At Law
Case No. 2609

Comes now the Plaintiff in the above styled cause and amends
his complaint as last amended by striking therefrom the following:

"and the Plaintiff lost the use of his automobile during the
repair of his automobile",
as the same appears in said amended Count One.


ATTORNEYS FOR PLAINTIFF

Plaintiff,

vs.

JOHN R. CHILDRESS and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

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

Comes the Defendant, John R. Childress, and for plea to the Complaint filed in said cause as last amended says:

1. Not guilty.

2. The Defendant alleges that at the time and place complained of Plaintiff was himself guilty of contributory negligence which was the proximate cause of the damages complained of in that the Plaintiff negligently drove his automobile into or against the truck owned by the Defendant, John R. Childress.

3. The Defendant, John R. Childress, claims of the Plaintiff the sum of Three Hundred Dollars (\$300.00) as damages, by way of recoupment and such Defendant alleges that on, to-wit: March 10, 1955, while Defendant's pick-up truck was being driven along the Greeno Road, a public highway, at a point in Baldwin County, Alabama, about four (4) miles South of Fairhope, the Plaintiff negligently drove his automobile across the centerline of the highway in front of Defendant's truck without giving a proper signal and at a time when Defendant's truck was in close proximity of Plaintiff's automobile and as a proximate result of Plaintiff's negligence said truck was damaged in this: its left rear fender was badly damaged and the right side of its body was bent and damaged.

~~Attorneys for Defendant, John R. Childress.~~

W. E. MOSS,

Plaintiff,

vs.

JOHN R. CHILDRESS and
JOHN R. CHILDRESS, JR.,
jointly and severally,

Defendants.

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I
I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

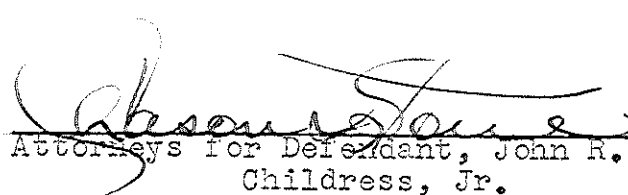
I AT LAW

NO. _____
I

Comes the Defendant, John R. Childress, Jr., and for plea
to the Complaint filed in said cause as last amended says:

1. Not guilty.

2. The Defendant alleges that at the time and place complained of of Plaintiff was himself guilty of contributory negligence which was the proximate cause of the damages complained of in that the Plaintiff negligently drove his automobile into or against the truck driven by Defendant.


Attorneys for Defendant, John R.
Childress, Jr.