

DUNK MONDAL

PLAINTIFF

VS

CLYDE DUNN

DEFENDANT

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA,

AT LAW

MOTION TO STRIKE

Comes now the Defendant in the above styled cause and moves the court to strike so much of the Plaintiff's Complaint as reads as follows: "except that the Plaintiff had a suit in equity in the Circuit Court of Baldwin County, Alabama, against the Plaintiff to reform a deed signed by mistake by the Plaintiff and his wife, to the Defendant and his wife, into a mortgage." And for grounds therefor says: That these matters are irrelevant, redundant, unnecessary and surplusage.

Walters & Brantley

BY:

Robert M Brantley
Attorneys for the Defendant

STATE OF ALABAMA
COUNTY OF BALDWIN

TO ANY SHERIFF OF THE STATE OF ALABAMA

You are hereby commanded to summon Clyde Dunn to appear within thirty days from the service of this writ in the Circuit Court, to be held for said county, at the place of holding the same, then and there to answer the complaint of Dunk McNeal.

Witness my hand, this 15 day of Aug 1955.

Reice J. Duck
Clerk

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Dunk McNeal	¶	
Plaintiff	¶	In the Circuit Court of
Vs	¶	Baldwin County Alabama
Clyde Dunn	¶	At Law
Defendant	¶	No. _____

The Plaintiff claims of the Defendant Twenty Five Thousand Dollars as damages, for that on to-wit August 13, 1955, the Defendant did assault and beat the Plaintiff, striking the Plaintiff in the eye with a blackjack, doing considerable and severe damage to the Plaintiffs' eye, causing the Plaintiff fear, pain, both physical and mental, causing the Plaintiff to have to lose a great deal of time from his job on the Railroad and suffer continuously from the pain in his eye as well as as suffering for his personal safety. Also having to hire medical aid in caring for his eye. The Plaintiff alleges that said assault and battery occurred without provocation of the Defendant by the Plaintiff, except that the Plaintiff had a suit in Equity in the Circuit Court of Baldwin County, Alabama, against the Plaintiff to reform a deed signed by mistake by the Plaintiff and his wife, to the Defendant and his wife, into a Mortgage. Plaintiff alleges that the injuries set out above were a proximate result of the assault and battery by the Defendant upon the person of the Plaintiff at Perdido, in Baldwin County, Alabama on to-wit August 13, 1955, all to the damage of the Plaintiff as aforesaid.

Reice J. Duck
Attorney for the Plaintiff

Plaintiff demands a trial by jury.

Reice J. Duck
Attorney for the Plaintiff