

EDWARD F. REID
ATTORNEY AT LAW
ANDALUSIA, ALABAMA

September 17, 1955

2719

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

Re: Mae Harrison, Plaintiff, vs.
Lois R. Rollins, et al, Defendants

Dear Mrs. Duck:

Attached please find demurrers and it will be appreciated if
you will file same in the above case.

Very truly yours,

Edward F. Reid
Edward F. Reid

EFR:csn

Encls. As stated

MAE HARRISON,

Plaintiff

vs.

LOIS R. ROLLINS and
C. H. ROLLINS,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

LAW SIDE

DEMURRERS

Comes the Defendants, separately and severally, and demur to Plaintiff's complaint and the counts thereof separately and severally, on the following separate and several grounds:

1. For that the averments of said complaint and the counts thereof are vague, uncertain and indefinite.
2. For that it does not appear therefrom with sufficient certainty wherein or how Defendant Lois R. Rollins violated any duty which she owed the Plaintiff.
3. For that it does not appear therefrom with sufficient certainty wherein or how Defendant C. H. Rollins violated any duty which he owed the Plaintiff.
4. For that the averments of said complaint and the counts thereof do not constitute negligence as a matter of law.
5. For that the averments and facts set up in the complaint and the counts thereof do not state a cause of action against Defendant Lois R. Rollins.
6. For that the averments and facts set up in the complaint and the counts thereof do not state a cause of action against Defendant C. H. Rollins.
7. For that the averments of said complaint and the counts thereof do not constitute actionable negligence against Defendant Lois R. Rollins.
8. For that the averments of said complaint and the counts thereof do not constitute actionable negligence against Defendant C. H. Rollins.
9. For that two separate and distinct causes of action are stated in one and the same count.
10. For that the averments thereof are inconsistent and repugnant.
11. For that no causal connection between the alleged negligent acts of Defendant Lois R. Rollins and the resulting injuries and damage to the Plaintiff is averred.
12. For that no causal connection between the alleged negligent acts of Defendant C. H. Rollins and the resulting injuries and damage to the Plaintiff is averred.
13. For that it is not affirmatively alleged that the agent, servant or employee of Defendant C. H. Rollins whose negligent acts are complained of, was at

the time acting within the line and scope of her employment as Defendant's said servant, agent or employee.

14. For that said complaint and the counts thereof failed to affirmatively state any duty owing Plaintiff by Defendant Lois R. Rollins that was breached.

14. For that said complaint and the counts thereof failed to affirmatively state any duty owing Plaintiff by Defendant C. H. Rollins that was breached.

15. For that said complaint and the counts thereof do not affirmatively set out a statement of facts from which negligence can be inferred, negligence therein being alleged as a mere conclusion of the pleader.

16. For that the averments of said complaint and the counts thereof do not affirmatively state any duty owing Plaintiff by Defendant Lois R. Rollins that Defendant neglected to perform.

17. For that the averments of said complaint and the counts thereof do not affirmatively state any duty owing Plaintiff by Defendant C. H. Rollins that Defendant neglected to perform.

18. For that the damages alleged in said complaint and the counts thereof are indefinite, uncertain or speculative.

19. For that the sum claimed of Defendant Lois R. Rollins by Plaintiff is too remote, uncertain and speculative.

20. For that the sum claimed of Defendant C. H. Rollins is too remote, uncertain and speculative.

21. For that said complaint and the counts thereof fail to state with sufficient certainty acts of negligence which Defendant Lois R. Rollins is called upon to defend against.

22. For that said complaint and the counts thereof fail to state with sufficient certainty acts of negligence which Defendant C. H. Rollins is called upon to defend against.

23. For that the averments of the complaint and the counts thereof, if true, do not show any liability on the part of Defendant Lois R. Rollins.

24. For that the averments of the complaint and the counts thereof, if true, do not show any liability on the part of Defendant C. H. Rollins.

25. For that it does not appear from the complaint and the counts thereof with sufficient certainty of what the alleged negligence on the part of Defendant Lois R. Rollins consisted.

26. For that it does not appear from the complaint and the counts thereof with sufficient certainty of what the alleged negligence on the part of Defendant C. H. Rollins consisted.

27. For that it does not sufficiently appear from the complaint and the counts thereof that the negligence complained of was the proximate cause of the Plaintiff's injury.

28. For that the facts alleged in the complaint and the counts thereof show that Plaintiff was guilty of contributory negligence as a matter of law.

29. For that it does not appear from the complaint and the counts thereof with sufficient certainty that Defendant Lois R. Rollins negligently injured Plaintiff.

30. For that it does not appear from the complaint and the counts thereof with sufficient certainty that Defendant C. H. Rollins negligently injured Plaintiff.

31. For that the facts alleged in the complaint and the counts thereof are not sufficient to invoke the doctrine of respondeat superior so as to make the Defendant C. H. Rollins liable for the alleged acts of the alleged servant, agent or employee of Defendant C. H. Rollins.

32. For that it affirmatively appears from the complaint and the counts thereof that damages claimed are speculative.

33. For that the averments of negligence are mere conclusions of the pleader.

34. For that trespass and case are joined in one and the same count.

Now come Defendants separately and severally and demur to Counts 2 and 4 of the complaint, and as grounds therefor, sets down and assigns the following, separately and severally:

These Defendants separately and severally hereby adopt each and every ground of demurrer, separately and severally, heretofore assigned to Counts 1 and 3 of the complaint, and in addition thereto, file the following separate and several grounds to Counts 2 and 4.

35. For that no causal connection between the alleged wanton and wilful acts of Defendant Lois R. Rollins and the resulting injuries and damages to the Plaintiff is averred.

36. For that no causal connection between the alleged wanton and wilful acts of Defendant C. H. Rollins and the resulting injuries and damages to the Plaintiff is averred.

37. For that said counts do not aver that Defendant C. H. Rollins' said servant, agent or employee wilfully and wantonly ran Defendant's vehicle over, into, upon or against Plaintiff and as a proximate consequence thereof Plaintiff sustained her injuries complained of.

38. It does not affirmatively appear that Plaintiff's alleged injuries complained of were proximately caused by any wilful and wanton conduct of Defendant C. H. Rollins' said servant, agent or employee.

39. It is not affirmatively alleged that Defendant C. H. Rollins' said servant, agent or employee so wilfully and wantonly operated said vehicle as to cause said vehicle, as a proximate consequence of such wilfulness and wantonness, to run over, against, into or upon Plaintiff, and that as a proximate result and consequence thereof the Plaintiff was injured thereby.

40. It does not affirmatively appear from said counts that the Plaintiff's injuries complained of were the proximate result or consequence of any wilful and wanton conduct on the part of the Defendant Lois R. Rollins.

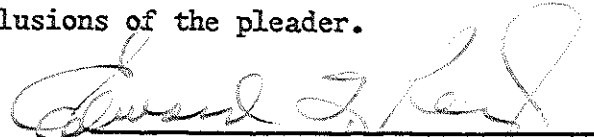
41. It does not affirmatively appear from said counts that the Plaintiff's injuries complained of were the proximate result or consequence of any wilful and wanton conduct on the part of the Defendant C. H. Rollins.

42. For that said counts fail to aver that Defendant's servant, agent or employee wilfully and wantonly ran a vehicle over, against or upon Plaintiff, thereby injuring Plaintiff as alleged.

43. For that the averments of wilfulness and wantonness are mere conclusions of the pleader.

44. For that the averments of wilful and wanton conduct are mere conclusions of the pleaders.

45. For that the averments of wilful and wanton operation of said vehicle by Defendant Lois R. Rollins are mere conclusions of the pleader.


Attorney for Defendants

cc: Hon. C. G. Chason
Attorney for Plaintiff

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

2719

MAE HARRISON,

Plaintiff

vs.

LOIS R. ROLLINS and G. H. ROLLINS,
Defendants

DEMURRERS

FILED

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ALICE J. DUCK, Clerk

STATE OF ALABAMA)
BALDWIN COUNTY) IN THE CIRCUIT COURT . . LAW SIDE . .

TO ANY SHERIFF OF THE STATE OF ALABAMA:-

You are hereby commanded to summon Lois R. Rollins and C. H. Rollins to appear within thirty (30) days from the service of this writ in the Circuit Court to be held for said County at the place of holding same, then and there to answer the complaint of Mae Harrison

WITNESS my hand this 1st day of Sept., 1955.

Alice J. Dumb
Clerk

- COMPLAINT -

MAE HARRISON)	
Plaintiff)	IN THE CIRCUIT COURT OF
vs-)	BALDWIN COUNTY, ALABAMA
LOIS R. ROLLINS and)	LAW SIDE
C. H. ROLLINS,)	
Defendants)	

COUNT I

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that, heretofore, on, to-wit: March 5, 1955, on a public highway in Baldwin County, Alabama, viz, Alabama Highway 3, at a point approximately one and one-quarter (1 $\frac{1}{4}$) miles North of the North corporate limit line of the Town of Summerdale, the Defendant, Lois R. Rollins, negligently ran an automobile into, upon, or against the Plaintiff while Plaintiff was a pedestrian crossing said highway, and as the proximate result and consequence of the negligence of the said Lois R. Rollins, Plaintiff received severe personal injuries in that her right leg was broken at or near the ankle joint, and her left shoulder was cracked or dislocated, both resulting in permanent disfigurement and injury, and Plaintiff received multiple contusions, lacerations and abrasions, all of which caused her to incur large indebtedness

for doctors' bills and hospital bills for medical attention and supplies in and about the treatment of her injuries, for all of which Plaintiff claims damages in the sum aforesaid.

COUNT 2

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that, heretofore, on, to-wit: March 5, 1955, on a public highway in Baldwin County, Alabama, viz, Alabama Highway 3, at a point approximately one and one-quarter ($1\frac{1}{4}$) miles North of the North corporate limit line of the Town of Summerdale, the Defendant, Lois R. Rollins, with reckless disregard to consequences, being conscious at that time that her conduct in so doing would probably result in injury, willfully and wantonly injured Plaintiff by running into, upon, or against her with an automobile while Plaintiff was a pedestrian crossing said highway, and as the proximate result and consequence of said willful and wanton conduct, Plaintiff received severe personal injuries, in that to-wit, her right leg was broken at or near the ankle joint, and her left shoulder was cracked or dislocated, both resulting in permanent disfigurement and injury, and that she received multiple contusions, lacerations and abrasions, all of which caused Plaintiff to incur large indebtedness for doctors' bills and hospital bills for medical attention and supplies in and about the treatment of her injuries, for all of which she claims damages in the sum aforesaid.

COUNT 3

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that, heretofore, on, to-wit, March 5, 1955, on a public highway in Baldwin County, Alabama, viz, Alabama Highway 3, at a point approximately one and one-quarter ($1\frac{1}{4}$) miles North of the North corporate limit line of the Town of Summerdale, the Defendant, Lois R. Rollins, while acting as the agent, servant, or employee of the Defendant, C. H. Rollins, and while acting in the line and scope of her employment, negligently ran an automobile into, upon, or against the Plaintiff while Plaintiff was a pedestrian crossing said highway, and as the proximate result and consequence of the negligence of the said Lois

R. Rollins, Plaintiff received severe personal injuries, in that her right leg was broken at or near the ankle joint, and her left shoulder was cracked or dislocated, both resulting in permanent disfigurement and injury, and she received multiple contusions, lacerations and abrasions, all of which caused her to incur large indebtedness for doctors' and hospital bills for medical attention and supplies in and about the treatment of her injuries, for all of which she claims damages in the sum aforesaid.

COUNT 4

The Plaintiff claims of the Defendants the sum of Fifty Thousand Dollars (\$50,000.00) as damages, for that heretofore, on, to-wit: March 5, 1955, on a public highway in Baldwin County, Alabama, viz, Alabama Highway 3, at a point approximately one and one-quarter ($1\frac{1}{4}$) miles North of the North corporate limit line of the Town of Summerdale, the Defendant, Lois R. Rollins, while acting as the agent, servant, or employee of the Defendant, C. H. Rollins, and while acting in the line and scope of her employment, with reckless disregard to the consequences, being conscious at that time that her conduct in so doing would probably result in injury, willfully and wantonly injured Plaintiff by running into, upon, or against her with an automobile while Plaintiff was a pedestrian crossing said highway, and as the proximate result and consequence of said willful or wanton conduct, Plaintiff received severe personal injuries, in that to-wit, her right leg was broken at or near the ankle joint, and her left shoulder was cracked or dislocated, both resulting in permanent disfigurement and injury, and she received multiple contusions, lacerations and abrasions, all of which caused her to incur large indebtedness for doctors' bills and hospital bills for medical attention and supplies in and for the treatment of her injuries, for all of which Plaintiff claims damages in the sum aforesaid.


Attorney for Plaintiff

Defendants' last known address:

3704 Spring Hill Avenue
Mobile, Alabama

Received in Sheriff's Office
this Sept 1, 1955
TAYLOR WILKINS, Sheriff

EXECUTED
This 1st day of Sept, 1955
by serving a copy of the within on
Lois R. & C. H. Rollins
RAY D. HARRISON, Sheriff
By W. H. Ferguson D.S.

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SUMMONS AND COMPLAINT

MAE HARRISON,

Plaintiff,

-VS-

LOIS R. ROLLINS and
C. H. ROLLINS, ⁴⁶⁸

Defendants.

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
LAW SIDE

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ALICE J. DUCK, Clerk

CECIL G. CHASON
ATTORNEY AT LAW
FOLEY, ALABAMA

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