

STATE OF ALABAMA
BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon THOMAS GIVENS AND NED DANIELS 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 Thomas Givens and Ned Daniels Defendants, by LEWEY JUNE MORGAN.

WITNESS my hand this 5 day of October, 1955.

Herzig Duck
Clerk

LEWEY JUNE MORGAN

PLAINTIFF

VS

THOMAS GIVENS AND
NED DANIELS

DEFENDANTS

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

1.

The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages, for that heretofore, on, to-wit, September 16, 1955, the Plaintiff's automobile was being lawfully driven along and upon a public highway in Baldwin County, Alabama, to-wit, U. S. Highway No. 90, about four miles West of the City of Mobile, Alabama, at a point opposite the Silver King Restaurant and that then and there Ned Daniels, a servant, agent or employee of the Defendant, Thomas Givens, while acting within the line and scope of his employment negligently did run the automobile he was driving into the Plaintiff's automobile and as a direct proximate consequence and result thereof the Plaintiff's automobile was damaged and the Plaintiff was deprived of the use of his automobile for a long period of time, all to the loss of the Plaintiff in the aforesaid amount.

Wiltors & Brantley

BY: Robert M Brantley
Attorneys for the Plaintiff

The Plaintiff demands a trial by jury.

Wiltors & Brantley

BY: Robert M Brantley
Attorneys for the Plaintiff

Thomas Givens lives in Robertsdale
Ned Daniels, Magazine Point, Ala.

Received 6 day of Oct 1955
and on 10 day of Dec 1955
I served a copy of the within BCC
on Thomas Givens

By service on Robert Givens
att

TAYLOR WILKINS, Sheriff

By Clayton Steadman D. S.

LEWEE JUNE MORGAN

PLAINTIFF

VS

THOMAS GIVENS AND
NED DANIELS

DEFENDANTS

SUMMONS AND COMPLAINT

FILED

OCT 5 1955

ALICE J. BUCK, Clerk

2740
RECORDED

AMENDED COMPLAINT

LEWEL JUNE MORGAN

PLAINTIFF

VS

THOMAS GIVENS AND
NED DANIELS

DEFENDANTS

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,
AT LAW

Comes now the Plaintiff in the above styled cause and amends his complaint to read as follows:

1.

The Plaintiff claims of the Defendants the sum of FIVE HUNDRED (\$500.00) DOLLARS as damages, for that heretofore, on, to-wit, September 16, 1955, the Plaintiff's automobile was being lawfully driven along and upon a public highway in Baldwin County, Alabama, to-wit, U. S. Highway No. 90, about four miles West of the City of Mobile, Alabama, at a point opposite the Silver King Restaurant and that then and there Ned Daniels, a servant, agent or employee of the Defendant, Thomas Givens, while acting within the line and scope of his employment negligently did run the automobile he was driving into the Plaintiff's automobile and as a direct proximate consequence and result of said negligence the Plaintiff's automobile was damaged as follows: the left rear fender was bent; the quarter panel was bent and twisted; the fuel tank was bent; the hub caps were crushed in; the left rear tail light was broken; the fender molding was twisted; the rear trunk floor was crumpled; the rear bumper was bent; the rear gravel shield was torn; the paint on the body was scratched; the frame of the automobile was twisted and bent; the axle housing was twisted and cracked; the left rear main bearing were broken; and the Plaintiff was deprived of the use of his automobile for a long period of time, all to the loss of the Plaintiff in the aforesaid amount. The Plaintiff's automobile is used in her business, trade or occupation.

Walters & Brantley

BY:

Robert M. Brantley
Attorneys for the Plaintiff

STATE OF ALABAMA)

BALDWIN COUNTY)

LEWEY JUNE MORGAN
Plaintiff

vs.

THOMAS GIVENS AND
NED DANIELS

Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA,

AT LAW

NO. _____

DEMURRER

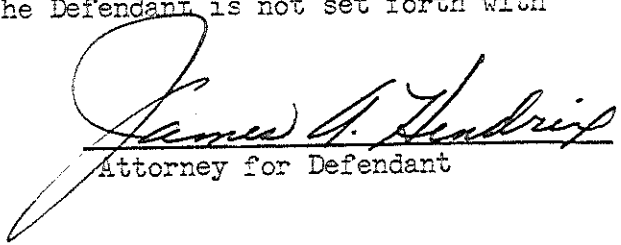
Comes the Defendant in the above styled cause and demurs to the Complaint, and separately and severally to each count thereof, and for grounds for Demurrer, assigns, separately and severally the following.

1. No facts are alleged to show that Plaintiff sustained any damages and injuries as the proximate result of any negligence or breach of duty on the part of the Defendant.

2. It is not alleged with sufficient certainty in what manner the Plaintiffs automobile was damaged.

3. No facts are alleged to show that Plaintiff's automobile was used in his business or trade.

4. The alleged negligence of the Defendant is not set forth with sufficient certainty.


Attorney for Defendant