

CLARENCE E. DAVISON,

Plaintiff,

vs.

BRUCE QUINNEY,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

NO. 2859

Comes the Plaintiff in the above styled cause and demurs to plea "4" filed by the Defendant in said cause and assigns the following separate and several grounds, viz:

1. That the Defendant in one plea has joined an action in trespass with an action on the case.

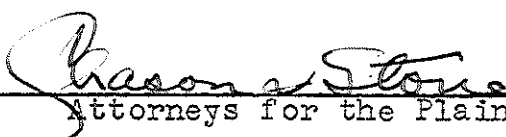
2. That the Defendant has improperly claimed damages for personal injuries and property damages in the same plea.

3. That such plea does not sufficiently set out the damages to the automobile.

4. That said plea does not sufficiently set out the injuries to the Defendant.

5. That said plea fails to allege how much time the Defendant lost from his employment.

6. For aught that appears from said plea the Defendant was not employed at the time of his injury.


Attorneys for the Plaintiff

DEMURRER TO PLEA

CLARENCE E. DAVISON,
Plaintiff,

vs.

BRUCE QUINNEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW NO. 2859

*Filed 5-25-56
A. J. Stone
clerk*

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

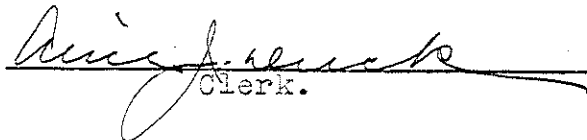
STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT - LAW SIDE

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon Bruce Quinney 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 same, then and there to answer the complaint of Clarence E. Davison.

Witness my hand this 22 day of February, 1956.


Clerk.

CLARENCE E. DAVISON,

Plaintiff,

vs.

BRUCE QUINNEY,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

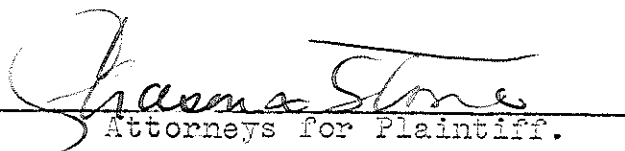
AT LAW.

COUNT ONE:

The Plaintiff claims of the Defendant the sum of Two Thousand Dollars (\$2,000.00) as damages for that on to-wit, October 16, 1955, the Defendant so negligently operated a motor truck on U. S. Highway #31 at a point approximately two (2) miles Northeast of Old Spanish Fort, in Baldwin County, Alabama, as to cause or allow said motor truck to run into, over or against an automobile which was owned by the Plaintiff and which was then and there being driven by him along such highway, and as a proximate consequence of such negligence, the Plaintiff's automobile was almost entirely demolished, all to the damage of the Plaintiff aforesaid, wherefore the Plaintiff brings this suit and asks judgment in the above matter.


Attorneys for Plaintiff.

Plaintiff demands a trial of this cause by jury.


Attorneys for Plaintiff.

m. 2859

received 22 day of Feb 1956
and on 9 day of April 1956
served a copy of the within
Bruce Quinney
y service on _____

TAYLOR WILKINS, Sheriff
By Stadham D. S.

Point Clear, Ala

Sheriff claims 80 miles at
Ten Cents per mile Total \$ 8.00
TAYLOR WILKINS, Sheriff
BY Stadham
DEPUTY SHERIFF

SUMMONS AND COMPLAINT

CLARENCE E. DAVISON,
Plaintiff,
vs.
BRUCE QUINNEY,
Defendant.

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

FILED
FEB 22 1956
ALICE J. BUCK, Clerk

CLARENCE E. DAVISON,	¶	IN THE CIRCUIT COURT OF
Plaintiff,	¶	BALDWIN COUNTY, ALABAMA
-Vs-	¶	AT LAW
BRUCE QUINNEY,	¶	No. 2859
Defendant.	¶	

Comes now the defendant in the above styled cause and for answer to the Bill of Complaint pleads as follows:

1. Not guilty.

2. The general issue.

3. Defendant says that at the time and place complained of in the Complaint the plaintiff was guilty of negligence which proximately contributed to the damages complained of in that at said time and place he did so negligently operate his said vehicle as to cause or allow the same to run into, on, over, against or upon the motor vehicle of the defendant, thereby directly and proximately contributing to his damages, wherefore, the plaintiff ought not to recover in this suit.

4. For further plea in his behalf, the defendant claims of the plaintiff by way of recoupment the sum of, to-wit, \$10,000.00, as damages, for that at the time and place complained of in the Complaint, the plaintiff so negligently operated his automobile as to cause or allow the same to run into, on, over, upon or against the motor vehicle owned by the defendant and as a direct and proximate result of said negligence as aforesaid the said defendant's motor vehicle was badly bent, broken, smashed and otherwise damaged, and the said defendant was cut, bruised, made sick, sore and lame, received broken bones, was caused to suffer great physical pain and mental anguish in the past and will suffer great physical pain and mental anguish in the future; and he incurred expenses for the care and treatment of his said injuries;

and he was caused to lose time from his employment; hence this plea of recoupment.

Telfair J. Mashburn
TELFAIR J. MASHBURN

Robert T. Cunningham
ROBERT T. CUNNINGHAM

ATTORNEYS FOR DEFENDANT

CLARENCE E. DAVISON,
Plaintiff,

VS.

BRUCE QUINNEY,
Defendant.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.
AT LAW. NO. 2859.

ANSWER AND PLEA OF RECOURP-
MENT.

FILED
MAY 11 1956
ALICE J. DUCK, Clerk

CLARENCE E. DAVISON,	0	
	0	
Plaintiff,	0	IN THE CIRCUIT COURT OF
	0	
VS.	0	BALDWIN COUNTY, ALABAMA.
	0	
BRUCE QUINNEY,	0	AT LAW. NO. <u>2859</u>
	0	
Defendant.	0	

AMENDED ANSWER

Comes now the defendant in the above styled cause and amends his answer heretofore filed in said cause so that, as amended, his answer reads as follows:

1. Not Guilty.

2. Defendant says that at the time and place complained of in the complaint the plaintiff was guilty of negligence which proximately contributed to the damages complained of, in that at said time and place he did so negligently operate his said vehicle which he was then and there driving as to cause the same to run into, on, over, against or upon the motor vehicle of the defendant, thereby directly and proximately contributing to his damages, wherefore, the plaintiff ought not to recover in this suit.

3. For further plea in his behalf, the defendant claims of the plaintiff by way of recoupment the sum of to-wit: TEN THOUSAND (\$10,000.00) DOLLARS, as damages, for that at the time and place complained of in the complaint, the plaintiff so negligently operated his automobile, which he was then and there driving, as to cause or allow the same to run into, on, over, upon or against the motor vehicle owned by the defendant and which he was operating and as a direct and proximate consequence of said negligence as aforesaid the said defendant was cut, bruised, made sick, sore and lame; he received three fractured ribs; his right eye was cut, requiring ~~three~~ stitches to close it; his right hand was badly cut, requiring ten stitches to close it; he was caused to suffer ^egrat physical pain and mental anguish in the past and will continue to suffer great physical pain and mental anguish in the future; he suffered bruises and contusions about the head, face, body and legs; he was permanently injured; he incurred expenses in and about the care and treatment of his said injuries; he was caused to lose much time from his employment; all to his damages

as aforesaid; hence this plea of recoupment.

4. For further plea in his behalf, the defendant claims of the plaintiff by way of recoupment the sum of, to-wit: Eight Hundred (\$800.00) DOLLARS, as damages, for that at the time and place complained of in the complaint, the plaintiff so negligently operated his automobile as to cause or allow the same to run into, on, over, upon or against the 1950 Model Dodge Pick-up Truck owned by the defendant and as a direct and proximate result of the plaintiff's said negligence as aforesaid the defendant's said pick-up truck was demolished, the frame was bent, broken and smashed, the wheels, particularly the rear wheels, were bent and broken, the body was bent, broken and smashed, the glass was smashed, and the engine and engine mountings were bent and broken; all to the damage of the defendant as aforesaid; hence this plea of recoupment.

Telfair J. Mashburn, Jr.
TELFAIR J. MASHBURN, JR.

Robert T. Cunningham
ROBERT T. CUNNINGHAM

ATTORNEYS FOR DEFENDANT.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA.

AT LAW. NO. 2859

CLARENCE E. DAVISON,
Plaintiff,
VS.

BRUCE QUINNEY,
Defendant.

AMENDED ANSWER AND PLEA OF
RECOUPMENT.

FILED

AUG 10 1956

ALICE J. DUCK, Clerk