

CYRIL ERWIN, a Minor, by  
CYRIL DENIKE, His Next Friend,  
  
Plaintiff  
  
vs.  
  
THOMAS ZYWICKI  
  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

NOW comes the Defendant in the above entitled cause,  
separately and severally, and file the following separate  
and several pleas to the Plaintiff's complaint:

1. The Defendant is not guilty of the matters and  
things alleged therein.
2. The Defendant denies each and every material  
allegation of the Plaintiff's complaint.

  
Attorney for the Defendant

FILED  
MAR 13 1956  
ALICE L. DUCK, Clerk

CYRIL ERWIN, a Minor, by  
CYRIL DeNIKE, His Next Friend, )

Plaintiff )

vs. )

THOMAS ZYWICKI )

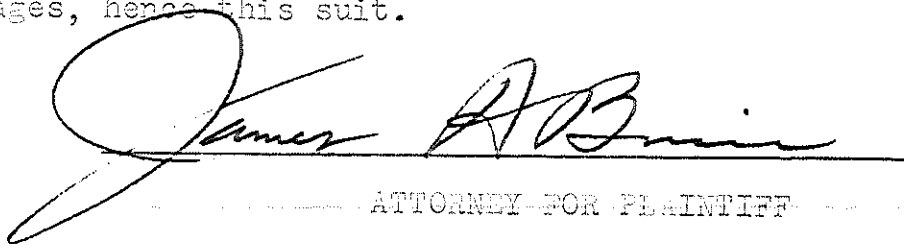
Defendant )

2878

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA  
AT LAW

COMPLAINT

The plaintiff, CYRIL ERWIN, suing by his father and next friend, CYRIL DeNIKE, claims of the defendant THREE HUNDRED FIFTY (\$350.00) DOLLARS as damages for that on, to wit: the 18th day of October, 1955, the plaintiff was a guest passenger in an automobile operated by the defendant, and the defendant so operated the said automobile on Alabama Highway No. 3, near Loxley, Alabama, with willful and wanton negligence in such a manner as to cause it to leave said highway and overturn, and as a proximate result of such willful and wanton negligence the plaintiff received severe injuries in that, to wit: he was bruised, cut and lacerated; he lost three (3) teeth; and he suffered great mental anguish and physical pain for all of which he claims damages, hence this suit.

  
ATTORNEY FOR PLAINTIFF

FILED

MAR 13 1956

ALICE L. DUCK, Clerk

SUMMONS AND COMPLAINT

Moore Printing Co.

THE STATE OF ALABAMA,  
BALDWIN COUNTY

CIRCUIT COURT, BALDWIN COUNTY

No. 2878

March

TERM, 1956

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon

THOMAS ZYWICKI

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 ZYWICKI

, Defendant

by

CYRIL ERWIN, a Minor, by CYRIL DENIKE, His Next Friend,

, Plaintiff

Witness my hand this 13th day of March 1956

ALICE J. DUCK

, Clerk

SUMMONS AND COMPLAINT

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, Plaintiff

Witness my hand this 13th day of March 1956

ALICE J. DUCK

, Clerk

## AFFIDAVIT

STATE OF ALABAMA)  
BALDWIN COUNTY )

Before me, James A. Brice, a Notary Public in and for said County in said State, personally appeared Cyril Erwin who being by me duly sworn, deposes and says:

"My name is Cyril Erwin. I am plaintiff, suing by my next friend, Cyril DeNike, in the damage action now pending before the Circuit Court of Baldwin County, Alabama, against Thomas Zywicki, defendant.

"On the 18th of October, 1955, I was a passenger in an automobile owned and operated by Thomas Zywicki, the defendant. We were going east of U.S. Highway 90 south of Loxley, Alabama, at about 5:30 in the morning. I fell asleep, and next I remember an intense pain in my upper front jaw. I cried out with pain, and then lost consciousness. I awoke in the hospital at Brookley Field, Alabama, at which time I was told that Zywicki had gone to sleep and run his automobile off the highway. Since the accident my upper three front teeth were and are missing. My civilian dentist informs me that proper dental repair will cost approximately two hundred fifty (\$250.00) dollars; my nose and chin were cut and bleeding after the accident. My clothing was torn beyond repair."

FILED

MAR 19 1956

ALICE L. DUCK, Clerk

Cyril Erwin

Sworn to and subscribed before me this 12 day of March, 1956.

James A. Brice  
NOTARY PUBLIC

