

LIZZIE MEADOWS	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
versus	:	
	:	
EVA J. VAUGHN and GUY L.	:	AT LAW
VAUGHN, individually, and	:	
doing business as Vaughn	:	
Real Estate and Insurance	:	
Company,	:	
	:	
Defendants,	:	No. 2933

NOTICE OF APPEAL

Comes now the defendant, Eva J. Vaughn, separately and severally, and does hereby appeal to the Supreme Court of Alabama from the final decree and judgment in the Circuit Court of Baldwin County, Alabama, at law, rendered in the above style cause on, to-wit, the 13th day of March, 1957, and also, separately and severally, from the over-ruling of said defendant's motion for a new trial, said motion having been filed by said defendant and having been over-ruled by the Circuit Court of Baldwin County, Alabama, at law, on, to-wit, the 30th day of April, 1957.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for Defendant,
Eva J. Vaughn

DEMAND FOR ORAL ARGUMENT

Appellant, Eva J. Vaughn, desires to argue this cause orally on appeal.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for Defendant,
Eva J. Vaughn.

SECURITY FOR COSTS

We do hereby acknowledge ourselves securities for all costs of the foregoing appeal and do hereby agree to pay all such costs. For the payment of this bond, we do hereby severally waive our rights of exemption to personal property under the constitution and laws of the State of Alabama.

Eva J. Vaughn
Eva J. Vaughn (Principal)

LUMBERMENS MUTUAL CASUALTY COMPANY
OF CHICAGO, ILLINOIS

BY: [Signature]
Its attorney-in-fact (SURETY)

SUPERSEDEAS BOND

STATE OF ALABAMA:

COUNTY OF BALDWIN:

KNOW ALL MEN BY THESE PRESENTS, that we, Eva J. Vaughn, as principal, and Lumbermens Mutual Casualty Company of Chicago, Illinois, a corporation, as surety, are held and firmly bound unto Lizzie Meadows, her heirs, executors or administrators, in the sum of Fifteen Thousand Five Hundred and No/100 Dollars, for the payment of which, we do jointly and severally bind ourselves, our heirs, personal representatives, and successors firmly by these presents, and, as part of this undertaking, we do hereby waive all our rights under the constitution and laws of the State of Alabama to have any of our property, real or personal, exempt from levy and sale in satisfaction hereof.

Sealed with our seals and dated this 7th day of May, 1957.

The condition of the above obligation is such, that, whereas, on, to-wit, the 13th day of March, 1957, in the Circuit Court of Baldwin County, Alabama, the said Lizzie Meadows, as plaintiff, recovered a judgment in said court against the said Eva J. Vaughn, defendant, for the sum of Seven Thousand Five Hundred Dollars, and for the further sum of approximately one hundred and fifty-seven dollars and seventy-five cents, costs of said suit; and,

Whereas, said defendant did, within the time allowed by law duly and legally file in said cause a motion for a new trial, which was denied and over-ruled by said court on, to-wit, April 30, 1957; and,

Whereas, the said Eva J. Vaughn as such defendant has made application for an appeal from both said judgments, separately and severally, to the next term of the Supreme Court of Alabama to reverse said judgments, and also for a supersedeas of the execution of said original judgment, which has been granted on entering into this bond:

Now, therefore, if the said Eva J. Vaughn shall prosecute said appeal to effect and shall satisfy such judgment, both as to debt and costs, as the Supreme Court may render in the premises, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

Eva J. Vaughn (Seal)
Eva J. Vaughn, (Principal)

LUMBERMENS MUTUAL CASUALTY COMPANY
OF CHICAGO, ILLINOIS

BY: [Signature]
Its attorney in fact (Surety)

CORPORATE SEAL

Taken and approved on this 8th day of May, 1957.

[Signature]
Clerk, Circuit Court of Baldwin County
Alabama

STATE OF ALABAMA)
BALDWIN COUNTY)

BOOK 018 PAGE 292

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon EVA J. VAUGHN and GUY L. VAUGHN, Individually, and d/b/a Vaughn Real Estate and Insurance Company, 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 LIZZIE MEADOWS.

WITNESS my hand, this 19 day of May, 1956.

W. J. Adams
Clerk

LIZZIE MEADOWS,

Plaintiff

vs.

EVA J. VAUGHN and GUY L. VAUGHN,
Individually, and d/b/a Vaughn
Real Estate and Insurance Company,

Defendants

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

C O U N T O N E

The Plaintiff claims of the Defendants \$10,000.00 as damages, for that heretofore, on to-wit, November 19, 1955 the Plaintiff, by invitation of the Defendant, Eva J. Vaughn, was being transported in an automobile owned by the Defendants and operated by the Defendant Eva J. Vaughn along a public highway, to-wit, a point on U. S. Highway 31 three miles south of Bay Minette in Baldwin County, Alabama, and then and there the Defendant, Eva J. Vaughn, so negligently operated said automobile to cause it to collide with great force and violence with another automobile, and by reason of the negligence of the Defendant in operating said automobile, and as a proximate result and consequence thereof, Plaintiff, who was then and there an invitee of the Defendant or passenger of the said Defendants, in the said automobile so run and operated by the Defendant, Eva J. Vaughn, received

personal injuries in this, to-wit, her right arm and shoulder was badly broken, bruised and injured; her ribs were fractured and injured; her face was bruised, cut and scarred; she was permanently injured; she was caused to suffer much physical and mental pain; she was caused to expend large sums for doctors, hospital bills, and medicine in caring for her said injuries; she was caused to expend large sums for nurses in caring for her said injuries; she suffered and continues to suffer great mental anguish and physical pain; for all of which she claims damages in the sum aforesaid.

C O U N T T W O

Plaintiff claims of the Defendants the sum of \$10,000.00 as damages, for that, on to-wit, November 19, 1955 Plaintiff, while being carried as a passenger, for a reward, in an automobile owned by the Defendants and operated by the Defendant, Eva J. Vaughn, which automobile was then and there being operated upon a public highway, to-wit: at a point on U. S. Highway No. 31 three miles south of Bay Minette, Baldwin County, Alabama was injured as follows, to-wit, her right arm and shoulder was badly broken, bruised and injured; her ribs were fractured and injured; her face was bruised, cut and scarred; she was permanently injured; she was caused to suffer much physical and mental pain; she was caused to expend large sums for doctors, hospital bills, and medicine in caring for her injuries; she was caused to expend large sums for nurses in caring for her injuries; she suffered and continues to suffer great mental anguish and mental pain.

Plaintiff avers that said Defendants were at the time of said injuries engaged in real estate and insurance business, and that the Defendants undertook to transport and carry Plaintiff for hire or for reward, and at the time and place aforesaid, while Plaintiff was being so carried she sustained her said injuries; and Plaintiff avers that the said Eva J. Vaughn then and there so negligently managed and operated the automobile in which the Plaintiff was being transported or carried that as a proximate consequence thereof the Plaintiff sustained the injuries aforesaid; hence this suit.

[Signature]
Attorney for Plaintiff

For the trial of this cause the Plaintiff respectfully request a trial by Jury.

[Signature]
Attorney for Plaintiff

Received in Court of the
19 day of May, 1956
TAYLOR WILKINS, Sheriff

EXECUTED
This 1st day of June, 1956
by serving a copy of the within on
Eva J. Vaughn & Guy L. Vaughn
RAY D. BRIDGES, Sheriff
By J. C. Ardis, D. S.

The Sheriff claims 56
miles at 10¢ per mile for
a total of \$ 5.60
Ray Bridges, Sheriff
Mobile County, Alabama

Ardis
6-1 (28)

LIZZIE MEADOWS,
Plaintiff

vs.

EVA J. VAUGHN and GUY L. VAUGHN
Individually, and d/b/a Vaughn
Real Estate and Insurance
Company,
Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND BILL OF COMPLAINT

FILED

MAY 19 1956

ALICE J. DUCK, Clerk

Defendants live at 359
Holcombe, Mobile, Alabama

ERNEST M. BAILEY
ATTORNEY AT LAW
FAIRHOPE, ALABAMA

LIZZIE MEADOWS	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff,	:	BALDWIN COUNTY, ALABAMA
	:	
versus	:	
	:	
EVA J. VAUGHN and GUY L.	:	AT LAW
VAUGHN, individually, and	:	
doing business as Vaughn	:	
Real Estate and Insurance	:	
Company,	:	
	:	
Defendants,	:	No. 2933

NOTICE OF APPEAL

Comes now the defendant, Eva J. Vaughn, separately and severally, and does hereby appeal to the Supreme Court of Alabama from the final decree and judgment in the Circuit Court of Baldwin County, Alabama, at law, rendered in the above style cause on, to-wit, the 13th day of March, 1957, and also, separately and severally, from the over-ruling of said defendant's motion for a new trial, said motion having been filed by said defendant and having been over-ruled by the Circuit Court of Baldwin County, Alabama, at law, on, to-wit, the 30th day of April, 1957.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for Defendant,
Eva J. Vaughn

DEMAND FOR ORAL ARGUMENT

Appellant, Eva J. Vaughn, desires to argue this cause orally on appeal.

HAND, ARENDALL & BEDSOLE

By: Paul W. Brock
Attorneys for Defendant,
Eva J. Vaughn.

SECURITY FOR COSTS

We do hereby acknowledge ourselves securities for all costs of the foregoing appeal and do hereby agree to pay all such costs. For the payment of this bond, we do hereby severally waive our rights of exemption to personal property under the constitution and laws of the State of Alabama.

Eva J. Vaughn
Eva J. Vaughn (Principal)

LUMBERMENS MUTUAL CASUALTY COMPANY
OF CHICAGO, ILLINOIS

BY: [Signature]
Its attorney-in-fact (SURETY)

SUPERSEDEAS BOND

STATE OF ALABAMA:

COUNTY OF BALDWIN:

KNOW ALL MEN BY THESE PRESENTS, that we, Eva J. Vaughn, as principal, and Lumbermens Mutual Casualty Company of Chicago, Illinois, a corporation, as surety, are held and firmly bound unto Lizzie Meadows, her heirs, executors or administrators, in the sum of Fifteen Thousand Five Hundred and No/100 Dollars, for the payment of which, we do jointly and severally bind ourselves, our heirs, personal representatives, and successors firmly by these presents, and, as part of this undertaking, we do hereby waive all our rights under the constitution and laws of the State of Alabama to have any of our property, real or personal, exempt from levy and sale in satisfaction hereof.

Sealed with our seals and dated this 7th day of May, 1957.

The condition of the above obligation is such, that, whereas, on, to-wit, the 13th day of March, 1957, in the Circuit Court of Baldwin County, Alabama, the said Lizzie Meadows, as plaintiff, recovered a judgment in said court against the said Eva J. Vaughn, defendant, for the sum of Seven Thousand Five Hundred Dollars, and for the further sum of approximately one hundred and fifty-seven dollars and seventy-five cents, costs of said suit; and,

Whereas, said defendant did, within the time allowed by law duly and legally file in said cause a motion for a new trial, which was denied and over-ruled by said court on, to-wit, April 30, 1957; and,

Whereas, the said Eva J. Vaughn as such defendant has made application for an appeal from both said judgments, separately and severally, to the next term of the Supreme Court of Alabama to reverse said judgments, and also for a supersedeas of the execution of said original judgment, which has been granted on entering into this bond:

Now, therefore, if the said Eva J. Vaughn shall prosecute said appeal to effect and shall satisfy such judgment, both as to debt and costs, as the Supreme Court may render in the premises, then this obligation shall be null and void, otherwise, it shall remain in full force and effect.

Eva J. Vaughn (Seal)
Eva J. Vaughn, (Principal)

LUMBERMENS MUTUAL CASUALTY COMPANY
OF CHICAGO, ILLINOIS

BY: H. Wright
Its attorney in fact (Surety)

CORPORATE SEAL

Taken and approved on this _____ day of _____, 1957.

Clerk, Circuit Court of Baldwin County
Alabama

OFFICE OF
CLERK OF THE SUPREME COURT
STATE OF ALABAMA
MONTGOMERY

J. RENDER THOMAS
CLERK

JUNE 24, 1957

Honorable Paul Brock
Hand, Arendall & Bedsole
Attorneys at Law
Box 123
Mobile, Alabama

Honorable Harry J. Wilters, Jr.
Honorable Tolbert M. Brantley
Wilters and Brantley, Attorneys
Bay Minette, Alabama

Honorable Ernest M. Bailey
Attorney at Law
383 Fairhope Avenue
Fairhope, Alabama

In re: 1 DIV. 733
Eva J. Vaughn vs.
Lizzie Meadows.

Dear Sirs:

Your motion on behalf of the respective parties to dismiss the appeal of the above styled cause for the reason that settlement of all issues between the parties has been agreed upon, received and filed in this office on June 22, 1957, was presented to the Court today. The Court made and entered an order dismissing the appeal pursuant to your motion.

The Certificate of Dismissal has been accordingly forwarded to Mrs. Alice J. Duck, Clerk of the Circuit Court of Baldwin County, Bay Minette, Alabama.

Yours very truly,

JRT/ld
CC:

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

J. Render Thomas
Clerk, Supreme Court

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P
Y

THE STATE OF ALABAMA—JUDICIAL DEPARTMENT

THE SUPREME COURT OF ALABAMA

October Term, 1956-57

To the CLERK of the CIRCUIT Court of
BALDWIN County, Greeting:

Whereas, the Record and Proceedings of the CIRCUIT Court
of said county, in a certain cause lately pending in said Court between

EVA VAUGHN, Appellant,

and

LIZZIE MEADOWS, Appellee,

wherein by said Court, ~~at the~~ it was considered
adversely to said appellant, were brought before our Supreme Court, by appeal taken, pursuant
to law, on behalf of said appellant.

Settlement of all issues having been agreed upon by the parties,
Now, it is hereby certified, That it was thereupon considered and ordered by our Supreme

Court on the 24th day of JUNE 19 57, on motion

of appellant and appellee * * * * *, that the said appeal be and stand
dismissed; and that it was further considered and ordered that the appellant, ~~xxx~~ :-

EVA VAUGHN,

and

LUMBERMANS MUTUAL CASUALTY COMPANY OF CHICAGO, ILLINOIS

SURETY ON THE APPEAL BOND, PAY

the costs accruing on said appeal in this Court and in the Court below, for which costs
let execution issue accordingly.

Witness, J. Render Thomas, Clerk of the Supreme
Court of Alabama, at the Judicial Department
Building, this the

24th day of JUNE 19 57.

J. Render Thomas
Clerk of the Supreme Court of Alabama.

Div. No.

CERTIFICATE OF APPEAL. (Civil Cases,)

No. 2933

Baldwin County, Circuit Court.

~~LIZZIE MEADOWS~~

Plaintiff.

vs.

~~EVA VAUGHN & GUY L. VAUGHN~~

Defendant.

I, Alice J. Duck Clerk of Circuit Court,
of Baldwin County, Alabama, hereby certify that in the
cause of ~~LIZZIE MEADOWS~~ plaintiff,
vs.

~~EVA VAUGHN & GUY L. VAUGHN~~ defendant,
which was tried and determined in this Court on the 13th day of
March 19 57, in which there was a judgment for Seven thousand
five hundred and no/100 Dollars, in favor of the plaintiff, (or judgment
for defendant,) the Defendant on the 8th day of
May 19 57, took an appeal to the Supreme Court
of Alabama to be holden of and for said State.

I further certify that ~~EVA VAUGHN~~
filed security for cost of appeal, to the Supreme Court, on
the 8th day of May 19 57, and that ~~Eva Vaughn~~,
~~Lumbermans Mutual Casualty Company of Chicago, Illinois~~,
are sureties on the appeal bond.

I further certify that notice of the said appeal was on the
day of May 19 57, served on ~~Walters T Brantley~~
as attorney of record for said appellee, and that the amount sued for
was _____ Dollars. (Or certain lands)
(Or personal property.)

Witness my hand and the seal of this Court, this the 8th
day of May 19 57.

Alice J. Duck
Clerk of the Circuit Court of

Baldwin County, Alabama.

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the

2nd Monday in March, 1957, in a cer-

tain cause in said Court wherein LIZZIE MEADOWS

Plaintiff, and EVA J. VAUGHN AND GUY L. VAUGHN

Defendant, a judgement was rendered against said

EVA J. VAUGHN

to reverse which Judgment, the said EVA J. VAUGHN

applied for and obtained from this office an APPEAL, returnable to the NEXT

Term of our SUPREME Court of the State of Alabama, to be held at Montgomery,

on the day of, 1957 next, and the necessary bond

having been given by the said EVA J. VAUGHN

with Lumbermens Mutual Casualty Company of Chicago, Ill., sureties,

Now, You Are Hereby Commanded, without delay, to cite the said

LIZZIE MEADOWS or Ernest Bailey and Wilters & Brantley

, attorney, to appear at the Next Term of our

said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 8th

day of May, A. D., 1957

Attest:

Alice J. Duck, Clerk.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

May 7, 1957

Mrs. Alice Duck
Clerk
Circuit Court of Baldwin County
County Court House
Bay Minette, Alabama

Re: Lizzie Meadows v. Eva J. Vaughn and
Guy L. Vaughn, Case No. 2933

Dear Mrs. Duck:

Enclosed are the executed notice of appeal, bond for costs on appeal and supersedeas bond, representing the appeal by Eva J. Vaughn from the adverse judgment rendered against her in the lower court, as well as from the over-ruling of her motion for a new trial.

In order to be safe, I believe you should issue a summons in accordance with the provisions with Title 7, Section 804, to Guy L. Vaughn the other defendant in this action, giving him the right to unite in the appeal if he sees proper. I am requesting that you do this, even though I know that a judgment was rendered in his favor in the lower court.

Please make and let me have a complete transcript of all of the proceedings in this case, together with your certificate, etc. Miss Dusenbury has transcribed the evidence, both in the case in chief and in connection with the motion for a new trial, both transcripts of which are to be bound and forwarded to the Supreme Court. However, I understand that, before you can do this, you must bind in the pleadings, your certificate, etc. I should like to have this as soon as possible, so that I can have my assignments of error typed and return them to you to be bound into the transcript.

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.
LYMAN F. HOLLAND, JR.

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

- 2 -

In this connection, as you know, the motion for a new trial is itself to be made a part of the record, and my motion included and incorporated by reference the stipulation and deposition which are attached to it. These should be set forth in full in the transcript.

Many thanks for your help.

Yours very truly,



for HAND, ARENDALL & BEDSOLE

PWB:hd
Enc.

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	
	:	BALDWIN COUNTY, ALABAMA
versus	:	
	:	
EVA J. VAUGHN and GUY L. VAUGHN,	:	AT LAW
individually, and doing business	:	
as VAUGHN REAL ESTATE AND INSURANCE	:	
COMPANY,	:	NO. 2933
	:	
Defendants	:	

D E M U R R E R

Come the defendants separately and demur to the plaintiff's complaint and each count thereof separately and severally, and for separate and several grounds of the demurrer assign the following:

1. Said count fails to state a cause of action.
2. Said count alleges no duty owed the plaintiff by defendant.
3. Plaintiff alleges that she was a guest passenger in the automobile of the defendant, hence she cannot recover for simple negligence as alleged.
4. Said count fails to allege facts showing any duty owed the plaintiff as alleged by the defendant.
5. The allegations of said complaint are but conclusions of the pleader not supported by the facts alleged.
6. It affirmatively appears from said count that the plaintiff was a guest passenger, hence plaintiff cannot recover for simple negligence.
7. The allegation that the defendant undertook to transport and carry plaintiff for hire or for reward is but a conclusion of the pleader not supported by the facts alleged.

-2-

8. Said count fails to allege facts sufficient to apprise the defendant of the grounds upon which negligence was predicated.

9. Said count is vague, indefinite, and uncertain in its allegations.

10. Said count attempts to set forth quo modo of the negligence on the part of the defendant but the facts alleged do not in and of themselves constitute negligence.

11. Said count alleges no cause of action against defendant Guy L. Vaughn.

12. Said count does not allege that the injuries received were the proximate result of any negligence on the part of the defendant.

13. For that it affirmatively appears from said count that there is no causal connection between the alleged negligent act or acts of the defendant and the injuries sustained by the plaintiff.

14. Said count fails to allege facts entitling the plaintiff to recover the damages for which she complains.

15. Said count does not allege sufficient facts upon which to predicate liability on the part of the defendant.

16. For that it affirmatively appears the plaintiff is not entitled to recover on any theory of simple negligence.


Attorney appearing separately for each
defendant

OF COUNSEL:

HAND, ARENDALL & BEDSOLE
MOBILE, ALABAMA

LIZZIE MEADOWS,
Plaintiff
vs.

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

EVA J. VAUGHN and GUY L. VAUGHN,
Individually, andd/b/a Vaughn
Real Estate and Insurance Company,
Defendants

C O U N T O N E

Comes the Plaintiff and amends the Bill of Complaint heretofore
filed in this cause as follows;

By amending line 5 of Count One to read as follows:

"Eva J. Vaughn, individually, and as agent, servant or employee
of the Defendant, Guy L. Vaughn, while acting within the line and
scope of her employment,"

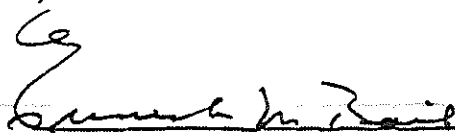
C O U N T T W O

1. By amending line 4 of Count Two to read as follows:

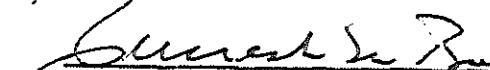
". . the Defendants and operated by the Defendant, Eva J. Vaughn,
individually, and as agent, servant or employee of the Defendant, Guy
L. Vaughn, while acting within the line and scope of her employment,
which . . ."

2. By amending line 6 of Paragraph 2, Count Two, to read as
follows:

". . the said Eva J. Vaughn, individually, and as agent, ser-
vant or employee of the Defendant, Guy L. Vaughn, while acting within
the line and scope of her employment, then and there . . ."


Attorney for Plaintiff

I certify that I have this day served a copy of the above on
Hand, Arendall & Bedsole, Attorneys of Record for the Defendants
by mailing a copy of the same, postage prepaid, to the firm of
Hand, Arendall & Bedsole, Mobile, Alabama.


Attorney for Plaintiff

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	BALDWIN COUNTY, ALABAMA
VS.	:	AT LAW
EVA J. VAUGHN and GUY L. VAUGHN,	:	NO. 2933
Individually, and d/b/a Vaughn	:	
Real Estate and Insurance Company,	:	
Defendants	:	

AMENDED DEMURRER

Comes now the defendants separately and demur to the plaintiff's amended complaint and each count thereof separately and severally and for separate and several grounds of the demurrer separately and severally assign each and separate and several ground heretofore filed to the complaint as first filed herein and for further separate and several grounds of demurrer separately and severally assigns the following:

17. For aught appearing from said count defendant Eva J. Vaughn had no authority to invite the plaintiff to ride with her and thereby was acting outside the line and scope of her employment as agent as alleged.

18. For aught appearing the alleged negligent acts of Eva J. Vaughn were not committed while acting in the alleged line and scope of her employment as alleged agent of Guy L. Vaughn, therefore said count fails to state a cause of action against defendant Guy L. Vaughn.

19. The allegations that Eva J. Vaughn was the servant, agent or employee of Guy L. Vaughn is but a conclusion of the pleader not supported by the attendant facts alleged.

20. For aught appearing there is no causal connection between the allegations as to the defendants' business and the alleged transportation of the plaintiff which would support the alleged conclusion that the plaintiff was being transported for hire or reward.

21. The allegations that the plaintiff was being transported for hire or reward are not supported by the facts alleged and is therefore but a conclusion of the pleader.

22. The said count attempts to set forth the attendant facts supporting the allegation that the plaintiff was being transported for hire or reward which facts do not in and of themselves support such allegation.

W B Hand
Attorney Appearing Separately for Each Defendant.

I certify that I have this day caused a copy of the foregoing demurrer to the Amended Complaint to be duly served upon Ernest M. Bailey, Esquire, attorney of record for the plaintiff by posting in the United States Mail, postage prepaid and addressed to him at his office in Fairhope, Alabama, a copy of the same on this the 17th day of August, 1956.

W B Hand
Attorney for the Defendants

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	
	:	BALDWIN COUNTY, ALABAMA.
versus	:	
	:	
EVA J. VAUGHN and GUY L. VAUGHN,	:	AT LAW
individually, and doing business	:	
as Vaughn Real Estate and Insurance	:	
Company,	:	NO. 2933
	:	
Defendants	:	
	:	

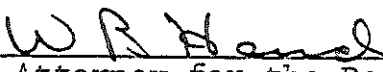
A N S W E R

Comes now each defendant separately and separately answer the plaintiff's complaint as filed herein and for separate answer separately assign the following pleas:

1. The defendant is not guilty of the matters and things alleged in the complaint.
2. The plaintiff was herself guilty of contributory negligence at the time and place alleged in the complaint which negligence proximately contributed to the plaintiff's own injuries and damages, hence she cannot recover.


 Attorney Appearing Separately for Each Defendant

I certify that I have this day caused a copy of the foregoing to be duly served upon Ernest M. Bailey, Esquire, attorney of record for the plaintiff, by posting in the United States Mail, postage prepaid, and addressed to him at his office in Fairhope, Alabama, a copy of the same on this the 21st day of August, 1956.


 Attorney for the Defendants

LIZZIE MEADOWS,

Plaintiff

VERSUS

EVA J. VAUGHN and GUY L. VAUGHN,
individually, and doing business
as Vaughn Real Estate and In-
surance Company,

Defendants

I IN THE CIRCUIT COURT OF

I BALDWIN COUNTY, ALABAMA

I AT LAW

I NO. 2933

I

AMENDED COMPLAINT

Now comes the Plaintiff and amends the Bill of Complaint heretofore filed in this cause as follows:

COUNT TWO

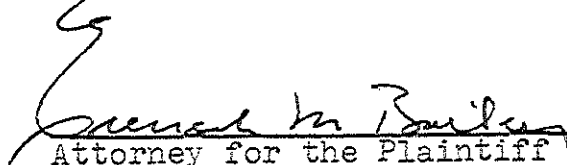
By amending Line 2 of Count Two to delete "November 19, 1955" and substituting therefor "December 19, 1955".

By adding the following Count:

COUNT THREE

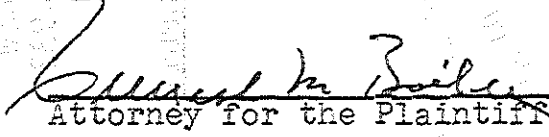
Plaintiff claims of the Defendants the sum of Ten Thousand Dollars (\$10,000.00) as damages, for that, on to-wit, December 19, 1955, the Defendant Eva J. Vaughn, individually, and as agent, servant, or employee of the Defendant Guy L. Vaughn, while acting within the line and scope of her employment was operating an automobile upon a public highway, to-wit, at a point on U. S. Highway # 31 three miles south of Bay Minette, Baldwin County, Alabama, a public road or highway in Baldwin County, Alabama and the Defendant Eva J. Vaughn, individually, and as agent, servant or employee of the Defendant Guy L. Vaughn, while acting within the line and scope of her employment, willfully or wantonly ran or operated said automobile so that it collided with another automobile which was then and there on the said highway, and thereby and as the proximate result and consequence thereof, Plaintiff, who was then and there a guest or passenger of the Defendants riding in said automobile so run or operated by the

Defendant Eva J. Vaughn, individually, and as agent, servant or employee of the Defendant Guy L. Vaughn, while acting within the line and scope of her employment, received personal injuries in this, to-wit, her right arm and shoulder was badly broken, bruised and injured; her ribs were fractured and injured; her face was bruised, cut and scarred; she was permanently injured; she was caused to suffer much physical and mental pain; she was caused to expend large sums for doctors, hospital bills, and medicine in caring for her injuries; she was caused to expend large sums for nurses in caring for her injuries; she suffered and continues to suffer great mental anguish and mental pain; for all of which she claims damages in the sum aforesaid.


Attorney for the Plaintiff

CERTIFICATE

I, the undersigned, do hereby certify that copies of the foregoing was served on Hand, Arendall and Bedsole, of counsel to the Defendants, EVA J. VAUGHN and GUY L. VAUGHN, by mailing said document, postage prepaid, to their offices in Mobile, Alabama, on this 8th day of September, 1956.


Attorney for the Plaintiff

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
Plaintiff	:	
VERSUS	:	BALDWIN COUNTY, ALABAMA
	:	
	:	AT LAW
EVA J. VAUGHN and GUY L. VAUGHN,	:	
individually, and doind business	:	
as Vaughn Real Estate and	:	NO. 2933
Insurance Company,	:	
Defendants.	:	

AMENDED DEMURRER

Come now the defendants, separately and severally, and demur to the plaintiff's complaint as last amended, and to each count thereof, separately and severally, and, for separate and several grounds of demurrer, do separately and severally assign each ground heretofore filed to the complaint as first filed and as previously amended, and, for further separate and several grounds of demurrer, do separately and severally assign the following:

23. Said count states a cause of action against one defendant in trespass on the case and against the other defendant in trespass.
24. There is a misjoinder of causes of action.
25. There is a misjoinder of parties defendant.
26. It is not alleged that the defendant, Guy L. Vaughn, committed any wanton act.
27. Said count is bad for duplicity.
28. There is no allegation that the defendant, Guy L. Vaughn, wantonly or willfully injured the plaintiff.
29. There is no allegation of either a willful or wanton injury committed by the defendant, Eva J. Vaughn.
30. There is no allegation of either a willful or a wanton injury.

31. Said count characterizes the act, not the injury, as being willful or wanton.

32. It is not alleged in what way the alleged negligent management and operation of the automobile in which plaintiff was riding caused the injuries complained of by the plaintiff.

33. It is not alleged that, as the result of said management and operation of said automobile by the defendant, Eva J. Vaughn, there was any accident, collision, unusual motion or action of the automobile in which plaintiff was riding.

HAND, ARENDALL & BEDSOLE

BY: Paul W. Brock
Attorneys appearing separately
for each defendant.

I certify that I have this day caused a copy of the foregoing demurrer to the complaint, as last amended, to be duly served upon Ernest M. Bailey, Esquire, attorney of record for the plaintiff, by posting in the United States Mail, postage prepaid, and addressed to him at his office in Fairhope, Alabama, a copy of the same on this, the _____ day of _____, 1956.

HAND, ARENDALL & BEDSOLE

BY: [Signature]
Attorneys appearing separately
for each defendant.

FILED
SEP 13 1956
ALICE J. DUCK, Clerk

Re filed
12-18-56

*Servic. Processed
6/11/52 in Baiting*

LIZZIE MEADOWS,

Plaintiff

vs.

EVA J. VAUGHN and GUY L.
VAUGHN, INDIVIDUALLY, and
doing business as Vaughn
Real Estate and Insurance
Company,

Defendants

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA

AT LAW

No. 2933

Now comes the Plaintiff and amends the Bill of Complaint heretofore filed in this cause as follows:

By amending the Bill of Complaint and each count thereof to delete the sum "Ten Thousand (\$10,000.00) Dollars as damages" and substituting therefor the sum of "Twenty five Thousand (\$25,000.00) Dollars as damages".

E. H. Barker
Attorney for the Plaintiff

CERTIFICATE

I, the undersigned, do hereby certify that copies of the foregoing were served on Hand, Arendall and Bedsole, of counsel to the Defendants, Eva J. Vaughn and Guy L. Vaughn, by mailing said document, postage prepaid, to their offices in Mobile, Alabama, on this 18th day of December, 1956.

E. H. Barker
Attorney for the Plaintiff

FILED

DEC 18 1956

ALICE J. DUCK, Clerk

LIZZIE MEADOWS,

X

Plaintiff

IN THE CIRCUIT COURT OF

vs.

X

BALDWIN COUNTY, ALABAMA

EVA J. VAUGHN and GUY L. VAUGHN,
 individually, and doing business
 as Vaughn Real Estate and Insurance Company,

AT LAW

NO. 2933

Defendants

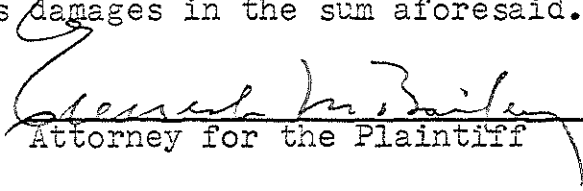
X

AMENDED COMPLAINT

Now comes the Plaintiff and amends the Bill of Complaint, as amended, heretofore filed in this cause by adding the following count:


COUNT IV

The Plaintiff claims of the Defendant, Eva J. Vaughn, the sum of Twenty Five Thousand (\$25,000.00) Dollars as damages for that on, to-wit, December 19, 1955, the Defendant, Eva J. Vaughn, while operating an automobile upon a public highway, to-wit, at a point on U. S. Highway # 31 three miles south of Bay Minette, Baldwin County, Alabama, a public highway or road in Baldwin County, Alabama, willfully or wantonly injured the Plaintiff, who was then and there a guest or passenger of the Defendant, Eva J. Vaughn, by causing said automobile to collide with another automobile, severely injuring the Plaintiff, and that as a proximate result of said injury the Plaintiff was caused to suffer her arm and shoulder to be badly broken, bruised and injured; her ribs were fractured and injured; her face was bruised, cut and scarred; she was permanently injured; she was caused to suffer much physical and mental pain; she was caused to expend large sums for doctors, hospital bills, and medicine in caring for her injuries; she was caused to expend large sums for nurses in caring for her injuries; she suffered and continues to suffer great mental anguish and mental pain; for all of which she claims damages in the sum aforesaid.


 Attorney for the Plaintiff

CERTIFICATE

I, the undersigned, do hereby certify that copies of the foregoing were served on Hand, Arendall and Bedsole, of counsel to the Defendants, Eva J. Vaughn and Guy L. Vaughn, by mailing said documents, postage prepaid, to their offices in Mobile, Alabama, on this 19th day of December, 1956.


Attorney for the Plaintiff

HAND, ARENDALL & BEDSOLE
LAWYERSSUITE 622 FIRST NATIONAL BANK BUILDING
MOBILE, ALABAMACHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.MAILING ADDRESS
P. O. BOX 123
MOBILE, ALA.CABLE ADDRESS
HAB

December 28, 1956

Honorable Hubert Hall, Judge
Circuit Court of Baldwin County
Twenty-Eighth Circuit
Bay Minette, AlabamaRe: Lizzie Meadows v. Eva J. Vaughn and Guy
L. Vaughn, et al., No. 2933.

Dear Judge Hall:

By copy of this letter I am sending our demurrer to Ernest Bailey's last amendment to Mrs. Duck to be filed in this cause. In this last amendment Ernest alleges a cause of action against Eva J. Vaughn only, yet the caption of the complaint alleges a joint cause of action and the demurrer which we have filed attacks this aspect. It would appear to me that as to Guy Vaughn the complaint fails to state a cause of action and is, therefore, subject to the demurrer.

At your convenience, I will be pleased to come to Bay Minette to argue this if you think it is necessary. I am so advising Ernest by copy of this letter in the event he might wish to be heard. It is perfectly agreeable with me for you to rule without argument.

Yours very truly,

for HAND, ARENDALL & BEDSOLE

WBH.dww

CC: Mrs. Alice J. Duck
Ernest Bailey, Esq.

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	
	:	BALDWIN COUNTY, ALABAMA.
versus	:	
	:	
EVA J. VAUGHN and GUY L. VAUGHN,	:	AT LAW
individually, and doing business	:	
as Vaughn Real Estate and	:	
Insurance Company,	:	NO. 2933
	:	
Defendants	:	

DEMURRER

Comes now each defendant separately and separately demur to the plaintiff's complaint as last amended and each count thereof, separately and severally, and for separate and several grounds of the demurrer separately and severally assign the following:

ONE

Said count fails to state a cause of action.

TWO

Said count fails to state a cause of action against both defendants.

THREE

Said complaint alleges a joint cause of action against both defendants, nevertheless said count seeks recovery from only one of said defendants, therefore, fails to state a cause of action against defendant Guy L. Vaughn.

FOUR

For further grounds of demurrer to the plaintiff's complaint as last amended and to each count thereof separately and severally each defendant separately assigns separately and severally each separate and several ground of demurrer heretofore filed to the complaint as

first filed and as amended.

Hand Overhall & Bedsole
By W B Hand
Attorney Appearing Separately for Each
Defendant

I certify that I have this day caused a copy of the foregoing
to be duly served upon Ernest M. Bailey, Esquire, attorney of record
for the plaintiff, by posting in the United States Mail, postage
prepaid, and addressed to him at his office in Fairhope, Alabama, a copy
of the same on this the ^{31st}~~28~~ day of December, 1956.

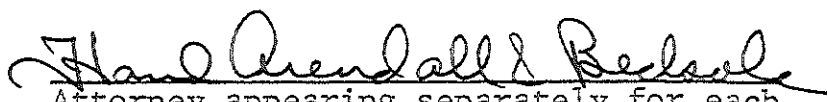
W B Hand
Attorney for the Defendants

LIZZIE MEADOWS, : IN THE CIRCUIT COURT OF
 Plaintiff :
 versus : BALDWIN COUNTY, ALABAMA.
 EVA J. VAUGHN and GUY L. : AT LAW
 VAUGHN, individually, and :
 doing business as Vaughn :
 Real Estate and Insurance : NO. 2933
 Company, :
 Defendants :

A N S W E R

Comes now each defendant, separately and severally, and, for answer to the plaintiff's complaint as last amended and to each count thereof, separately and severally, interposes the following separate and several pleas:

1. The defendant is not guilty of the matters and things alleged in the complaint.
2. The plaintiff was herself guilty of contributory negligence at the time and place alleged in the complaint which negligence proximately contributed to the plaintiff's own injuries and damages, hence she cannot recover.


 Attorney appearing separately for each defendant


 Attorney for Defendants.

LIZZIE MEADOWS,	:	IN THE CIRCUIT COURT OF
	:	
Plaintiff	:	BALDWIN COUNTY, ALABAMA.
	:	
versus	:	
	:	
EVA J. VAUGHN and GUY L. VAUGHN,	:	AT LAW
individually, and doing business	:	
as Vaughn Real Estate and	:	
Insurance Company,	:	NO. 2933
	:	
Defendants	:	

NOTICE OF FILING DEPOSITION

TO: ERNEST BAILEY, ATTORNEY FOR THE PLAINTIFF:

Please take notice that the deposition of Lizzie Meadows, witness produced, sworn and examined on behalf of the defendant above named, before Dorothy W. Williams, Commissioner, taken pursuant to the notice hereinbefore served, has been duly certified to and returned to the Clerk of the Circuit Court of Baldwin County, Alabama, and has been filed in the office of the Clerk.

Dated September 6, 1956.


 Attorney for Defendant

Of Counsel:

HAND, ARENDALL & BEDSOLE
Mobile, Alabama

HAND, ARENDALL & BEDSOLE
LAWYERS

SUITE 622 FIRST NATIONAL BANK BUILDING

MOBILE, ALABAMA

June 13, 1956

CHAS. C. HAND
C. B. ARENDALL, JR.
T. MASSEY BEDSOLE
THOMAS G. GREAVES, JR.
WM. BREVARD HAND
VIVIAN G. JOHNSTON, JR.
PAUL W. BROCK
J. JEPHTHA HILL
ALEXANDER F. LANKFORD
EDMUND R. CANNON, JR.

MAILING ADDRESS

P. O. BOX 123
MOBILE, ALA.

CABLE ADDRESS:
HAB

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

Re: Lizzie Meadows v. Eva J. Vaughn and
Guy L. Vaughn, individually, and dba
Vaughn Real Estate and Insurance Co.
Case No. 2933.

Dear Mrs. Duck:

I am enclosing demurrer to be filed in the case
therein styled. I would appreciate your acknowledging
receipt of the same and noting the fact that they have
been filed on the enclosed copy of my letter.

Will these demurrers be heard on the third Tuesday
of this month or will they be heard next month?

Yours very truly,


for HAND, ARENDALL & BEDSOLE

WBH.dww
Encl.

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the 2nd

Monday in March, 1957, in a cer-

tain cause in said Court wherein LIZZIE MEADOWS

Plaintiff, and EVA VAUGHN AND GUY L. VAUGHN

Defendant, a judgement was rendered against said

EVA VAUGHN

to reverse which judgment, the said LIZZIE MEADOWS

applied for and obtained from this office an APPEAL, returnable to the NEXT

Term of our Supreme Court of the State of Alabama, to be held at Montgomery,

on the day of , 1957 next, and the necessary bond

having been given by the said LIZZIE MEADOWS

with Lumbermens Mutual Casualty Company of Chicago, Ill, sureties,

Now, You Are Hereby Commanded, without delay, to cite the said EVA VAUGHN

or Her Attorney

, attorney, to appear at the Next Term of our

said Supreme Court, to defend against the said Appeal, if they think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 8th

day of May, A. D., 1957

Attest:

Alice J. Duck, Clerk.

THE STATE OF ALABAMA }
Baldwin County - Circuit Court }

TO ANY SHERIFF OF THE STATE OF ALABAMA — GREETING:

Whereas, at a Term of the Circuit Court of Baldwin County, held on the
2nd Monday in March, 1957, in a cer-

tain cause in said Court wherein LIZZIE MEADOWS

Plaintiff, and EVA VAUGHN AND GUY L. VAUGHN

Defendant, a judgement was rendered against said

EVA VAUGHN

to reverse which Juggment, the said EVA VAUGHN

applied for and obtained from this office an APPEAL, returnable to the NEXT

Term of our Supreme Court of the State of Alabama, to be held at Montgomery,

on the day of, 1957 next, and the necessary bond

having been given by the said EVA VAUGHN

with LUMBERMANS MUTUAL CASUALTY COMPANY OF CHICAGO, ILL, sureties,

Now, You Are Hereby Commanded, without delay, to ~~the~~ ^{Summon} the said

GUY L. VAUGHN or

, attorney, to appear at the NEXT Term of our

said Supreme Court, to defend against the said Appeal, if HE think proper.

Witness, ALICE J. DUCK, Clerk of the Circuit Court of said County, this 8th

day of May, A. D., 1957.

Attest:

Alice J. Duck, Clerk.