

(3007)
CARL R. FORTNER,

Plaintiff,

vs.

JOHN BREWTON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

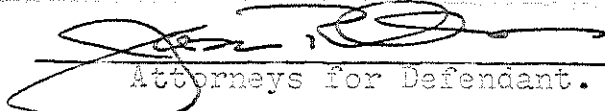
AT LAW. NO. 3007.

AMENDED PLEA:

Now comes the Defendant in the above styled cause and amends the plea heretofore filed in this cause by adding thereto the following:

2. The driver of the Plaintiff's automobile, at the time and place alleged in the Complaint, which driver was then and there an agent, servant or employee of the Plaintiff, acting within the line and scope of his authority as said agent, servant or employee of the Plaintiff, was himself guilty of negligence which was the proximate cause of the damages suffered by Plaintiff and alleged in the Complaint in this: the said driver of Plaintiff's automobile, who was then and there an agent, servant or employee of the Plaintiff and acting within the line and scope of his authority as said agent, servant or employee, so negligently operated the automobile of Plaintiff as to cause the said automobile to run upon, into or against the automobile which was driven by Defendant, which said negligence of the agent, servant or employee of Plaintiff was the proximate cause of the alleged damages to Plaintiff.




Attorneys for Defendant.

CARL R. FORTNER,

Plaintiff,

vs.

JOHN BREWTON,

Defendant.

IN THE CIRCUIT COURT OF

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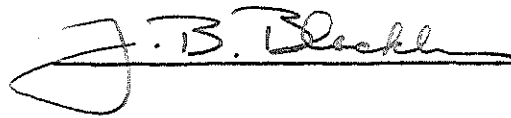
AT LAW.

NO. 3007.

PLEA:

Now comes the Defendant, by his Attorneys, and for plea to the Complaint heretofore filed in this cause says:

1. Not guilty.





Attorneys for Defendant.

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CARL R. FORTNER,

Plaintiff,

vs.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

NO. 3007.

DEMURRER

Now comes the Defendant, by his Attorneys, and demurs to the Complaint heretofore filed in this cause and for grounds for said demurrer assign the following separately and severally;

1. It does not state a cause of action.
2. The allegation that the Defendant was negligent is a mere conclusion of the pleader.
3. It is vague, indefinite and uncertain, in that it does not apprise the Defendant with sufficient certainty against what act or acts of negligence he is called upon to defend.
4. It does not appear with sufficient certainty what duty, if any, the Defendant may have owed to the Plaintiff.
5. It does not appear with sufficient certainty wherein the Defendant violated any duty he may have owed to the Plaintiff.
6. It does not sufficiently appear that the Defendant owed any duty to the Plaintiff which the Defendant negligently failed to perform.
7. There does not appear sufficient causal connection between Defendant's said breach of duty and the Plaintiff's damages.
8. No facts are alleged to show that the Plaintiff sustained any damage as the proximate result of any negligence or breach of duty on the part of the Defendant.
9. For aught that appears, the Plaintiff had no right to be where he was at the time and place of the said accident.
10. It is not alleged that the negligence complained of proximately caused the accident and damages complained of by the Plaintiff.

11. It affirmatively appears from the said Complaint that the Plaintiff himself was guilty of negligence which was the proximate cause of the said accident.

J. B. Blackburn
John R. O.
Attorneys for Defendant.

SUMMONS

THE STATE OF ALABAMA)
BALDWIN COUNTY)

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

TO ANY SHERIFF OF THE STATE OF ALABAMA--GREETING:

You are hereby commanded to summon John Brewton to appear before the Circuit Court of Baldwin County, Alabama at the place of holding same, within Thirty (30) days from the service of this process, then and there to answer the complaint of Carl R. Fortner.

Witness my hand this 14th day of Aug., 1956.

Alice J. Duck
Clerk

COMPLAINT

CARL R. FORTNER
Plaintiff

V S

JOHN BREWTON
Defendant

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

The Plaintiff claims of the Defendant the sum of TWO HUNDRED EIGHTY-SIX and THIRTY-ONE and NO/HUNDREDS(\$286.31) DOLLARS, due for that on heretofore, to-wit: the 20th day of December, 1955, the Plaintiff's automobile was being lawfully operated along and upon U. S. Highway 90, a public road in Baldwin County, Alabama, at a point approximately two miles north of the city limits of Robertsdale, Alabama, and at the same time and at the same place, the defendant so negligently operated his automobile as to run into and collide with another motor vehicle, and thereby and as a proximate result and consequence thereof, the plaintiff's automobile ran into the defendant's automobile, causing great damages and injuries to the plaintiff's automobile: the right fender, front bumper, grill assembly, right front door, air duct, radiator, gravel deflector, water pump, and other parts of plaintiff's automobile were broken, bent, smashed, or otherwise damaged and injured, all to the damage of the plaintiff, and the said damages and injuries to the automobile of the plaintiff were the proximate result of the negligence of the defendant as aforesaid, hence this suit.

Attorney for Plaintiff

DEMAND FOR JURY TRIAL

The Plaintiff in the above-styled cause demands trial by jury.

Attorney for Plaintiff

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John Brewster
Theodore

RECORDED

FILED

AUG 14 1956

ALICE J. DUCK, Clerk

and on 25 day of Sept 1956
I served a copy of the within summons
on John Brewster
By service on _____
TAYLOR WILKINS, Sheriff
By Ellen Stedman D. S.
Robert Stedman
aka

RETURNED 9-6-56
Not found in my County after dili-
gent search and inquiry.
RAY D. BRIDGES, Sheriff
By J. Andis D. S.

Sheriff claims 50 miles at
Ten Cents per mile Total \$ 5.00
TAYLOR WILKINS, Sheriff
BY Stedman
DEPUTY SHERIFF