

3102

K. D. HINES,

Plaintiff,

vs.

GEORGE A. NELSON,

Defendant.

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IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

Comes now the Defendant in the above styled cause and demurs to Plaintiff's complaint and to each and every count thereof, separately and severally, on the following separate and several grounds:

1. Said count fails to state a cause of action.
2. Said count fails to allege sufficient facts to show the existence of any duty owing from this Defendant to the Plaintiff therein.
3. Said count fails to allege sufficient facts to show the breach of any duty owing from the Defendant to the Plaintiff therein.
4. The allegations of said count are so vague, misleading and confusing that they do not apprise the Defendant of what he will be called upon to defend.
5. Said count seeks to set out the quo modo constituting the negligence without sufficient facts in support thereof.
6. The allegation in said count, "Plaintiff, who was then and there a passenger on a share expense basis of the said Defendant, George A. Nelson" is a mere conclusion of the pleader without sufficient facts alleged in support thereof.
7. The allegations in said count with respect to injuries and damages of the Plaintiff are so general so as not to apprise the Defendant of what he will be called upon to defend.

8. For aught appearing from the allegations of said count there was no causal connection between the alleged negligence of the Defendant and the alleged injury and damage of the Plaintiff.

9. Said count contains inconsistent and contrary averments.

10. Because the allegations of said count are repugnant.

11. Because it affirmatively appears from the allegations of said count that the Defendant was not guilty of any wanton negligence.

12. For aught appearing from the allegations of said count the Plaintiff assumed the risk of any injury or damage that might befall him.

ARMBRECHT, JACKSON, McCONNELL & DeMOUY

By: Marshall J. De Mouy
Attorneys for the Defendant

STATE OF ALABAMA

BALDWIN COUNTY

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You are hereby commanded to summon George A. Nelson 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 K. D. Hines.

WITNESS my hand, this 30 day of Nov 1956.

Alice J. Leach
Clerk.

C O M P L A I N T

K. D. HINES,

Plaintiff,

vs.

GEORGE A. NELSON,

Defendant.

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

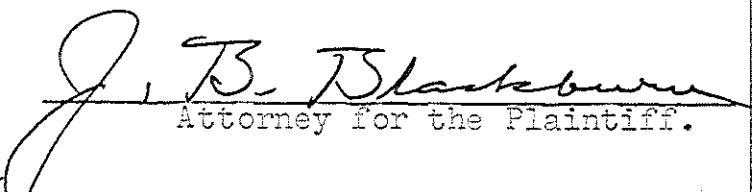
COUNT ONE

The Plaintiff claims of the Defendant Ten Thousand Dollars (\$10,000.00) as damages for that he avers that on to-wit, December 3, 1955, the Defendant, George A. Nelson, was running or operating an automobile upon and along the Silverhill Road, a public road in Baldwin County, Alabama, at a distance three miles South of the center of Silverhill, in Baldwin County, Alabama, and then and there the said Defendant so negligently operated his automobile that said automobile with great force and violence collided with an automobile driven by Henry Norwood Toler and as a proximate result and consequence thereof, Plaintiff who was then and there a passenger on a share expense basis of the said Defendant, George A. Nelson, in the said automobile so run and operated by George A. Nelson, received many physical injuries, externally and internally, was permanently injured, received permanent scars, was caused to suffer much physical and mental pain, was caused to expend large

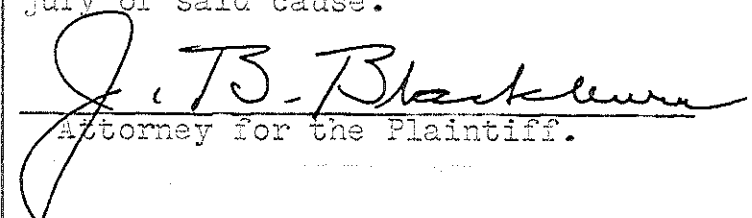
sums for medical, surgical and hospital treatment, nurses' attention and doctors' treatment, and will have to incur further expenses in the future; was caused to miss much time from his work; for all of which he claims damages as aforesaid, hence this suit.

COUNT TWO

The Plaintiff claims of the Defendant the sum of Ten Thousand Dollars (\$10,000.00) as damages for that on to-wit, the 3rd day of December, 1956, the Defendant wantonly injured the Plaintiff by so wantonly operating an automobile over, along and upon the Silverhill Road, a public road in Baldwin County, Alabama, at a point three miles South of the center of Silverhill, in Baldwin County, Alabama, as to cause said automobile to collide with great force and violence with an automobile driven by Henry Norwood Toler, and as a proximate result of which wantonness Plaintiff, who was then and there riding in said automobile being driven by the Defendant, was seriously and permanently injured, he received permanent scars, was caused to suffer much physical and mental pain, was caused to expend large sums for medical, surgical and hospital treatment, nurses' attention and doctors' treatment and will have to incur further expenses in the future; was caused to miss much time from his work; for all of which he claims damages as aforesaid, hence this suit.


Attorney for the Plaintiff.

Plaintiff demands a trial by
jury of said cause.


Attorney for the Plaintiff.

Received 30 day of Nov 1956
and on 4 day of Dec 1956

I served a copy of the within 2 & c
on George A. Nelson

By service on _____

TAYLOR WILKINS, Sheriff

By [Signature] D. S.

Minard

Sheriff claims 80 miles at

Ten Cents per mile Total \$ 8.00

TAYLOR WILKINS, Sheriff

BY [Signature]
DEPUTY SHERIFF

3102
RECORDED

SUMMONS AND COMPLAINT

K. D. HINES,

Plaintiff,

vs.

GEORGE A. NELSON,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW.

FILED
NOV 30 1956
ALICE J. DUCK, Clerk

J. B. BLACKBURN

ATTORNEY AT LAW

BAY MINETTE, ALABAMA