

ROY C. DAVIS, JR.,	I	
Plaintiff,	I	IN THE CIRCUIT COURT OF
vs.	I	
	I	BALDWIN COUNTY, ALABAMA
ALEC TRIONE,	I	
Defendant.	I	LAW SIDE
	I	

Comes the Defendant in the above styled cause and for plea to "COUNT ONE" of the complaint filed in said cause, says separately and severally, as follows:

1. Not guilty.

2. That the Plaintiff ought not to have and recover in this action for that he was himself guilty of contributory negligence which was the proximate cause of his injuries and damages in this: that he was riding as a guest in an automobile which was then and there being driven by Jack Allegri and Plaintiff knew at the time that Jack Allegri had consumed four or five drinks of whiskey within a three hour interval immediately preceding the time when the accident occurred and that while approaching the place where the accident occurred that the said Jack Allegri was driving at an unlawful and reckless rate of speed and Plaintiff was well aware of the fact that if the said Jack Allegri continued to drive the automobile in which Plaintiff was riding in such manner and at such speed that injury would probably result to Plaintiff and with such knowledge Plaintiff did not attempt to get the said Jack Allegri to slow down or drive more carefully and Defendant avers that such negligence of the Plaintiff was the proximate cause of his injuries.

3. The Defendant alleges that the Plaintiff should not recover in this action because the Plaintiff requested Jack Allegri, who was the driver of the automobile in which Plaintiff was riding at the time of his injuries, to allow Plaintiff to accompany the said Jack Allegri on a trip that the said Jack Allegri was making from Bel-forest, Alabama, to Daphne, Alabama, and the Plaintiff knew at that time that Jack Allegri was intoxicated as the Plaintiff had furnished the said Jack Allegri with four or five drinks of whiskey in approximately three hours immediately prior thereto and while the Plaintiff was riding in such automobile with the said Jack Allegri at a point

immediately before the collision occurred in which the Plaintiff was injured and while within the City Limits of Daphne, Alabama, the said Jack Allegri was traveling in the night time, at a speed in excess of the speed limits, the Plaintiff negligently failed to caution the said Jack Allegri to drive in the manner in which a reasonably prudent person should drive under like circumstances and conditions, and Defendant alleges that the Plaintiff's negligence in thus riding in the automobile which was being driven by Jack Allegri while under the influence of intoxicating liquor and at such speed was the proximate cause of his injuries and damages, hence he should not recover in this action.

  
Attorneys for Defendant

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

-VS-

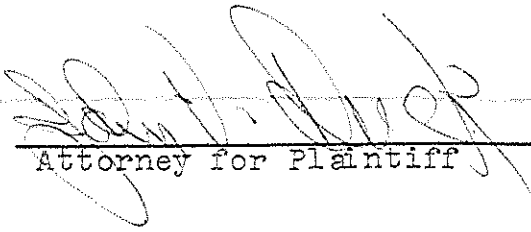
ALEC TRIONE  
Defendant

## BILL OF COMPLAINT

COUNT ONE :

Plaintiff claims of the Defendant the sum of THIRTY TWO THOUSAND SIX HUNDRED AND TWENTY TWO (\$\$32,622.00) DOLLARS, as damages, for that heretofore and on to wit; the 28th day of September, 1957, at approximately 7:20 P. M. , the Plaintiff was riding as a guest in an automobile being operated by under the control of Jack Alegri on Alabama State highway numbered 68 at a point thereon approximately one-half mile east of Daphne, Alabama, said highway being then and there a public highway in Baldwin County, Alabama, and at said time and place the Defendant Alec Trione, was approaching and traveling in<sup>a</sup> southerlnly direction an intersection from a private driveway entering into the said highway 68, and that the said defendant so negligently operated his said motor vehicle that when the said defendant entered onto highway numbered 68, the automobile in which the Plaintiff was riding as a guest was forced to the left hand side of said highway and that the Defendant so negligently operated his said motor vehicle as to run upon or against or into the right front side of the said automobile in which the Plaintiff was riding as a guest and as a proximate result of the said negligence of the defendant, Alec Trione, the Plaintiff suffered injuries that he suffered a concussion, that his skull was fractured, that his right wrist was broken, fractured or chipped, that he suffered shock, that his nervous system was injured, and that he was made otherwise sick, lame and sore, and confined in a hospital for a long period of time and was and will continue in the future to be disabled, he suffered and will in the future continue to suffer great physical pain and mental anguish and he was permantely injured. The Plaintiff further avers that

at the time the plaintiff became injured and as a direct and proximate result of the negligence, of the defendant, and as a direct result of the injury so received, the Plaintiff was incapacitated and prevented from following his occupation for a long period of time, and he will continue to be incapacitated and prevented from following his occupation and as a result thereof Plaintiff suffered a loss of earnings, to his further damage from the said negligent act of the Defendant. That as a direct and proximate result of the negligence of the Defendant and as a direct and proximate result of the injury so received, he has had to expend large sums of monies for doctors and hospital bills, and will have to continue to do so and that the Plaintiff further avers that he is still under the care of a physician as a direct and proximate cause of his injuries so received as a result of the negligence of the Defendant. Hence this suit.

  
Attorney for Plaintiff

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama, }

Baldwin County.

Circuit Court, Baldwin County

No. \_\_\_\_\_

\_\_\_\_\_ TERM, 19\_\_\_\_

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon ALEC TRIONE

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 \_\_\_\_\_

ALEC TRIONE

\_\_\_\_\_, Defendant

by ROY C. DAVIS JR.

\_\_\_\_\_, Plaintiff

Witness my hand this

27

day of

Sept

1958

Deice J. Davis Clerk

ROY C. DAVIS, JR.,

Plaintiff,

vs.

ALEC TRIONE,

Defendant.

X

X

X

X

X

X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

LAW SIDE

DEMURRER

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

1. That said Complaint does not state a cause of action.
2. That said Complaint does not allege the direction that the automobile, in which the Plaintiff was riding, was traveling.
3. That the Complaint does not sufficiently set out the place where the accident occurred.
4. That said Complaint does not allege that the Defendant negligently injured the Plaintiff.
5. That the allegation in the Complaint that the automobile in which the Plaintiff was riding was forced to the left hand side of such highway is a conclusion of the pleader and fails to set out sufficient facts.
6. That said complaint claims speculative damages.
7. That said Complaint does not allege that the Plaintiff had any employment or occupation at the time of the accident.
8. That it is not alleged that all of Alabama Highway Number 68 is situated in Baldwin County, Alabama or that the accident occurred in Baldwin County, Alabama.
9. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.

*Sharon & Stone*  
Attorneys for Defendant

Defendant demands a trial of this cause by a jury.

*Sharon & Stone*  
Attorneys for Defendant

RECORDED  
3664

PLEAS

ROY C. DAVIS, JR.,  
Plaintiff,

VS.

ALEC TRIONE,  
Defendant

IN THE CIRCUIT COURT OF  
BALDWIN COUNTY, ALABAMA

AT LAW

FILED

OCT 30 1958

ALICE J. DUCK, CLERK,  
REGISTER

LAW OFFICES  
**CHASON & STONE**  
BAY MINETTE, ALABAMA

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