

3704

SIDNEY McGREW and CLARA
McGREW,

Plaintiffs,

vs.

DORSEY YELLING,

Defendant.

X
X
X
X
X
X
X

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

DEMURRER

Comes now the Defendant, by his attorneys, and demurs to the Complaint heretofore filed against him and assigns the following separate and several grounds in support thereof:

1. The Complaint fails to state a cause of action.
2. There is a misjoinder of causes of action.
3. There is a misjoinder of parties plaintiff.
4. The allegations of the Complaint are vague, indefinite and uncertain.

5. No facts are alleged in the Complaint which show a duty owing from the Defendant to the Plaintiffs, or either of them, and a breach of that duty proximately resulting in injuries or damages to the Plaintiffs, or either of them.

6. The Complaint attempts to join in one count separate and distinct causes of action to which there are available to the Defendant separate and distinct defenses.

7. The allegation of the Complaint that the Defendant owned the vehicle being operated by his alleged agent, servant or employee is a conclusion of the pleader and no facts are alleged to support such conclusion.

8. For aught that appears from the allegation of the Complaint the alleged injuries and damages of the Plaintiffs were not the proximate consequence or result of any negligence on the part of the Defendant.

9. The Complaint claims one amount of damages but alleges separate and distinct injuries and damages to the separate

Plaintiffs.

Respectfully submitted,

CHASON & STONE

By:


Attorneys for Defendant

Filed Dec. 10, 1959

SIDNEY MCGREW and CLARA MCGREW,
Plaintiffs,

vs.

DORSEY YELLING,
Defendant.

DEMURRER

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

FILED
DEC 10 1938
ALICE J. DUCK, CLERK
REGISTER

LAW OFFICES
CHASON & STONE
BAY MINETTE, ALABAMA

STATE OF ALABAMA
BALDWIN COUNTY

§
§

IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

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

You are hereby commanded to summon Dorsey Yelling to appear and answer, plead or demur, within thirty days from the service of this writ, to a Bill of Complaint filed against him in the Circuit Court of Baldwin County, Alabama, at Law, by Sidney McGrew and Clara McGrew.

Herein fail not. Due return make of this writ as the law directs.

Witness my hand this 17 day of Nov, 1958.

Alvin J. Smith
REGISTER

Defendant lives at
BelForest, Alabama

Executed
Nov. 29, 1958

SIDNEY McGREW and
CLARA McGREW,

Plaintiffs

versus

DORSEY YELLING,

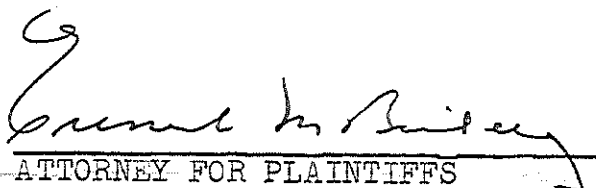
Defendant

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

COUNT ONE:

The Plaintiffs claim of the Defendant the sum of Six Hundred (\$600.00) Dollars as damages for that: On, to-wit, September 12, 1958, on a public road in Baldwin County, Alabama, at a point approximately three miles East of Daphne, Alabama, the Defendant's agent, servant or employee, while acting within the line or scope of his employment as such, so negligently operated a vehicle owned by the Defendant and to cause or allow the same to run into, upon or against a motor vehicle belonging to the Plaintiff, Sidney McGrew, and in which the Plaintiff, Clara McGrew, was a passenger, which the said Sidney McGrew was then and there operating; and the Plaintiffs claim that as a proximate consequence of the negligence of the Defendant, aforesaid, the motor vehicle of the Plaintiff was greatly and seriously damaged in this: The exhaust pipe was bent and broken, the mufflers were bent and broken and the manifold system was damaged; the Plaintiff, Clara McGrew, was made sick and sore, she suffered much physical and mental anguish and was caused to spend large sums in and about the care and treatment of her injuries; the Plaintiff lost time from her work, all to the damage of the Plaintiffs as aforesaid; wherefore they bring this suit and ask judgment in the above amount.


ATTORNEY FOR PLAINTIFFS

3704

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IN THE CIRCUIT COURT OF
BALDWIN COUNTY, ALABAMA
AT LAW

SUMMONS AND BILL OF COMPLAINT

SIDNEY MCGREW and CLARA MCGREW,
PLAINTIFFS
VERSUS
DORSEY YELLING,
DEFENDANT

FILED
NOV 17 1928
ALICE J. DUCK, CLERK
REGISTER

Received 17 day of Nov 1928
and on 29 day of Nov 1928
serve copy of the within Doc
on Dorsey Yelling
by service on Dorsey Yelling
TAYLOR WILKINS, Sheriff
By [Signature] D.
Reforist
Sheriff claims 50 miles at
Total cost per mile Total 5.00
TAYLOR WILKINS, Sheriff
BY [Signature]
DEPUTY SHERIFF