COMPLAINT

SUE K. DYER Plaintiff, vs. RAY NELSON LONG Defendant.	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW 3713

COUNT ONE

The plaintiff claims of the defendant the sum of Ninety Six Thousand Nine Hundred Dollars as damages, for that heretofore, on, to-wit: the 22nd day of November, 1957, the plaintiff was operating her automobile on a public highway, viz: U.S.Highway 98 in Baldwin County, Alabama at a point four-tenths (4/10) of a mile east of the corporate limits of Foley, Alabama, where she had a lawful right to be, and the defendant, Ray Nelson Long, so negligently operated a motor vehicle then and there, as to cause said motor vehicle he was operating to run over, upon or against the automobile in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she received the following injuries: severe deep laceration of the left jaw; multiple bruises and contusions to the neck, forearms, knees, chest and back; and impingement of the spinal cord and nerve roots, which have caused plaintiff severe and continuing pain, and have rendered plaintiff permanently less able to work.

And plaintiff avers that by reason of said injuries which she received in said collision she was compelled to go to a hospital, employ surgeons and physicians at great expense, which said employment now continues as to treatment by surgeons and physicians and which expense continues in an amount not yet known by plaintiff; she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain; and plaintiff's automobile was greatly damaged

and rendered less valuable; for all of which she claims damages as aforesaid.

COUNT TWO

The plaintiff claims of the defendant the sum of Eighteen Thousand Seven Hundred Eighty Dollars as damages, for that heretofore, on, to-wit: the 22nd day of November, 1957, the plaintiff was operating her automobile on a public highway, viz: U.S.Highway 98 in Baldwin County, Alabama at a point four-tenths (4/10) of a mile east of the corporate limits of Foley, Alabama, where she had a lawful right to be, and the defendant, Ray Nelson Long, so negligently operated a motor vehicle then and there being conscious at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran his motor vehicle over, upon or against the automobile in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she received the following injuries: severe deep laceration of the left jaw; multiple bruises and contusions to the neck, forearms, knees, chest and back; and impingement of the spinal cord and nerve roots, which have caused plaintiff severe and continuing pain, and have rendered plaintiff permanently less able to work.

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James A. Bruno
Attorney for Plaintiff

Plaintiff demands trial by jury in this cause.

James A. Bruno
Attorney for plaintiff

Defendant's address: Glencoe Naval Air Station
Brunswick, Ga

3713

FILED

NOV 22 1958

ALICE J. DUCK, CLERK
REGISTER

No. 3713 Page

The State of Alabama
Baldwin County

CIRCUIT COURT

SUE K. DYER

Plaintiffs

vs.

RAY NELSON LONG

Defendants

Summons and Complaint

Filed 11-22-58 19

Alice J. Duck Clerk

Plaintiff's Attorney

Defendant's Attorney

RECEIVED IN OFFICE
NOV 24 1958
M. S. BUTLER, Sheriff

Defendant lives at

Received In Office

Nov. 22 19 58

Taylor Wilkins Sheriff

I have executed this summons

this 19

by leaving a copy with

Executed by serving 3 copies of the within on Mary Texas Hurt, ~~Secretary of State of The State of~~ Alabama.

This the 24 day of Nov 19 58

Sheriff of Montgomery County
M. S. Butler,
By J. H. Luke D. S.

The Sheriff claims 2 miles at 10c per mile for a total of $ .20
M. S. Butler, Sheriff
Montgomery County, Ala.

Sheriff

Deputy Sheriff

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 Ray Nelson Long

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

Ray Nelson Long, Defendant

by Sue K. Dyer

_____, Plaintiff

Witness my hand this 22 day of Nov 19 58

[illegible], Clerk

Ex. By service on Sec. of State 11-24-58

SUMMONS AND COMPLAINT

Moore Ptg. Co.

The State of Alabama,
Baldwin County.

No._____

Circuit Court, Baldwin County

_____TERM, 19____

TO ANY SHERIFF OF THE STATE OF ALABAMA:

You Are Hereby Commanded to Summon Ray Nelson Long

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

Ray Nelson Long, Defendant

by Sue K. Dyer

_____, Plaintiff

Witness my hand this 22 day of Nov 19 58

_____, Clerk

COMPLAINT

SUE K. DYER Plaintiff, vs. RAY NELSON LONG Defendant.	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

COUNT ONE

The plaintiff claims of the defendant the sum of Ninety Six Thousand Nine Hundred Dollars as damages, for that heretofore, on, to-wit: the 22nd day of November, 1957, the plaintiff was operating her automobile on a public highway, viz: U.S.Highway 98 in Baldwin County, Alabama at a point four-tenths (4/10) of a mile east of the corporate limits of Foley, Alabama, where she had a lawful right to be, and the defendant, Ray Nelson Long, so negligently operated a motor vehicle then and there, as to cause said motor vehicle he was operating to run over, upon or against the automobile in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she received the following injuries: severe deep laceration of the left jaw; multiple bruises and contusions to the neck, forearms, knees, chest and back; and impingement of the spinal cord and nerve roots, which have caused plaintiff severe and continuing pain, and have rendered plaintiff permanently less able to work.

And plaintiff avers that by reason of said injuries which she received in said collision she was compelled to go to a hospital, employ surgeons and physicians at great expense, which said employment now continues as to treatment by surgeons and physicians and which expense continues in an amount not yet known by plaintiff; she was permanently injured, from which said injuries she suffered and continues to suffer great mental and physical pain; and plaintiff's automobile was greatly damaged

and rendered less valuable; for all of which she claims damages as aforesaid.

COUNT TWO

The plaintiff claims of the defendant the sum of Eighteen Thousand Seven Hundred Eighty Dollars as damages, for that heretofore, on, to-wit: the 22nd day of November, 1957, the plaintiff was operating her automobile on a public highway, viz: U.S.Highway 98 in Baldwin County, Alabama at a point four-tenths (4/10) of a mile east of the corporate limits of Foley, Alabama, where she had a lawful right to be, and the defendant, Ray Nelson Long, so negligently operated a motor vehicle then and there being conscious at the time that his conduct in so doing would probably result in disaster, wilfully or wantonly ran his motor vehicle over, upon or against the automobile in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she received the following injuries: severe deep laceration of the left jaw; multiple bruises and contusions to the neck, forearms, knees, chest and back; and impingement of the spinal cord and nerve roots, which have caused plaintiff severe and continuing pain, and have rendered plaintiff permanently less able to work.

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James A. Lee
Attorney for Plaintiff

Plaintiff demands trial by jury in this cause.

James A. Lee
Attorney for plaintiff

and rendered less valuable; for all of which she claims damages as aforesaid.

COUNT TWO

The plaintiff claims of the defendant the sum of Eighteen Thousand Seven Hundred Eighty Dollars as damages, for that heretofore, to, namely: the 22nd day of November, 1957, the plaintiff was operating her automobile on a public highway, viz: U.S. Highway [illegible] in Baldwin County, Alabama at a point four-tenths [illegible] mile east of the corporate limits of Foley, [illegible] and a lawful right to be, and the defendant [illegible] there, so negligently operated a motor vehicle [illegible] there being conscious at the time that his [illegible] would probably result in disaster, wilfully or wantonly ran his motor vehicle over, upon or against the automobile in which the plaintiff was then and there operating; and plaintiff avers that as a proximate consequence thereof she received the following injuries: severe deep laceration of the left jaw; multiple bruises and contusions to the neck, forearms, knees, chest and back; and impairment of the spinal cord and nerve roots, which have caused plaintiff severe and continuing pain, and have rendered plaintiff permanently less able to work.

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Attorney for Plaintiff

Plaintiff demands trial by jury in this cause.

Attorney for Plaintiff

3713

December 4, 1958

IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

SUE K. DYER, Plaintiff
VS
RAY NELSON LONG, Defendant

CASE NO. 3713

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

I, Mary Texas Hurt Garner, Secretary of State, hereby certify that on November 24, 1958 I sent by registered mail in an envelope addressed as follows:

"
Ray Nelson Long
Glencoe Naval Air Sta.
Brunswick, Ga."

"Registered Mail—
Return Receipt Requested
Deliver to Addressee Only"

bearing sufficient and proper prepaid postage, a notice bearing my signature and the Great Seal of the State of Alabama in words and figures as follows:

"
Ray Nelson Long
Glencoe Naval Air Sta.
Brunswick, Ga.

You will take notice that on November 24, 1958 the Sheriff of Montgomery County, Alabama, served upon me, in my official capacity, summons and complaint in a case entitled: SUE K. DYER, Plaintiff VS RAY NELSON LONG, Defendant

in the CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW
Case No. 3713 a true copy of which summons and complaint is attached hereto and the said service upon me as Secretary of State of the State of Alabama has the force and effect of personal service upon you.

WITNESS MY HAND and the Great Seal of the State of Alabama this the 24 day of November 1958

Enclosure (1)

(Signed) Mary Texas Hurt Garner
Secretary of State"

I further certify that the notice above set out which was so mailed in the envelope addressed as above set forth had attached to it a true copy of the summons and complaint in the above-styled cause.

I further certify that on December 3, 1958 I received the return card, showing receipt by the designated addressee of the aforementioned matter at Brunswick Ga.
on Dec 1 1958

WITNESS MY HAND and the Great Seal of the State of Alabama this the 4 day of December 1958

Mary Texas Hurt Garner
Mary Texas Hurt Garner
Secretary of State

Enclosures: Return Receipt Card and copy of Summons and Complaint.
cc: Honorable James A. Brice
Attorney at Law
Foley, Alabama

JAMES A. BRICE
ATTORNEY AT LAW
FOLEY, ALABAMA
POST OFFICE BOX 298
WHITEHALL 3-3601

November 21, 1958

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

Dear Mrs. Duck:

I am enclosing summons and complaint in five copies, on behalf of Sue K. Dyer against Ray Nelson Long. The defendant is a non-resident operator of a motor vehicle and service must be obtained through Secretary of State. Defendant's last known address is Glencoe Naval Air Station, Brunswick, Georgia. I enclose check for $3.00 to cover Secretary of State's fee.

Sincerely,

JAMES A. BRICE

JAB:bp

Enclosures as noted.

COMPLAINT

SUE K. DYER Plaintiff vs. RAY NELSON LONG Defendant	)	IN THE CIRCUIT COURT OF BALDWIN COUNTY, ALABAMA AT LAW

COUNT ONE

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James A. [illegible]
Attorney for Plaintiff

Plaintiff demands trial by jury in this cause.

James A. [illegible]
Attorney for Plaintiff

Deft. address: Glencoe Naval Air Station
Brunswick, Ga.

20.3713

FILED

NOV 22 1958

ALICE J. DUCK, CLERK
REGISTER

SUE K. DYER,	)	
Plaintiff,	)	IN THE CIRCUIT COURT OF
	)	
vs.	)	BALDWIN COUNTY, ALABAMA
RAY NELSON LONG,	)	
Defendant.	)	AT LAW.
	)	

Comes now the Defendant in the above styled cause and demurs to the Complaint filed in said cause and each and every count thereof separately and severally and assigns the following separate and several grounds, viz:

1. That said Complaint does not allege that the Defendant negligently injured the Plaintiff.

2. That said Complaint does not allege that the Defendant negligently drove his automobile into or against the automobile which was being operated by the Plaintiff.

3. That said Complaint does not allege any duty owing by the Defendant to the Plaintiff.

4. That there is a misjoinder of causes of action in each count of said Complaint.

5. That Count One of the Complaint does not allege when her injuries occurred.

6. For aught that appears from Count One of the Complaint her cause of action is barred by the statute of limitations.

7. That the allegation in Count One of the Complaint that the Defendant negligently operated a motor vehicle "then and there" is but a conclusion of the pleader and does not allege when the Defendant so negligently operated such vehicle.

8. That said Complaint does not allege the damages to the automobile belonging to the Plaintiff.

9. That said Complaint does not sufficiently set out what parts of the Plaintiff's automobile were damaged and rendered less valuable.

10. That Count Two of the Complaint does not allege the time of day that the accident occurred.

11. That the Complaint was filed in the Circuit Court of Baldwin County, Alabama on November 22, 1958 and Count Two alleges that the accident occurred on November 22, 1957 and such Complaint does not allege the time of day that such accident occurred and does not affirmatively show that the suit was filed within one year from the time the accident occurred.

12. For aught that appears from said Complaint it was not filed within one year from the time the accident occurred.

13. That Count Two of the Complaint does not state a cause of action for willful or wanton negligence.

14. That Count Two of the Complaint does not allege that the willful or wanton negligence of the Defendant was the proximate cause of the Plaintiff's injuries.

Filed
Dec. 13, 1958
Alice J. Huck,
Clerk

Attorneys for Defendant

3713

DEMURRER

SUE K. DYER,

Plaintiff,

vs.

RAY NELSON LONG,

Defendant.

IN THE CIRCUIT COURT OF

BALDWIN COUNTY, ALABAMA

AT LAW

SUE K. DYER VS RAY NELSON LONG

GIVE

#

INSTRUCTIONS TO DELIVERING EMPLOYEE

☐ Deliver ONLY to addressee

☒ Show address where delivered

(Additional charges required for these services)

WAY 3713

GA

RETURN RECEIPT

Received the numbered article described on other side.

SIGNATURE OR NAME OF ADDRESSEE *(must always be filled in)*

SIGNATURE OF ADDRESSEE'S AGENT, IF ANY

Raymond M. Long

DELIVER TO ADDRESSEE ONLY

DATE DELIVERED	ADDRESS WHERE DELIVERED *(only if requested in item #1)*
DEC 1 1958	

C55—16—71548-4 GPO